

Tony Blair



Aljazeera sept 2010

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STATEMENTS

Tony Blair lands new role to tackle anti-Semitism and extremism in Europe



EJC IN ACTION

June 5, 2015



In taking on the role of Chairman of the European Council on Tolerance and Reconciliation (ECTR), former UK Prime Minister Tony Blair will be prioritizing the fight against anti-Semitism and intolerance in Europe.

In a joint Op-Ed published in The Times, Blair and EJC President Moshe Kantor who is also the founder and President of ECTR examine the need for strong legislative structures to tackle these issues and give a message of hope that all is not lost in the preservation of Europe's values of democracy, freedom of expression and religion and tolerance.

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Parliament to mark the International Holocaust Remembrance Day

Press Releases

24-01-2017 - 17:53

To mark the International Holocaust Remembrance Day (27 January), the European Parliament and the European Jewish Congress will hold a ceremony on Wednesday. EP President Antonio Tajani and European Jewish Congress President Dr Moshe Kantor will deliver the opening speeches.

UNESCO Ambassador for Education about the Holocaust Beate Klarsfeld and European Council on Tolerance and Reconciliation Chairman Tony Blair will also be among the speakers.

President Tajani will open the ceremony, followed by a contribution from Dr Kantor.

After Ms Klarsfeld's speech, Mr Blair will hand the "Medal of Tolerance Award" to Russian film director Andrei Konchalovsky, for his film "Paradise", about a relationship between a concentration camp inmate and an SS officer.

Date and time: 25 January 2017, from 13.00 to 14:30.

Place: European Parliament, Paul-Henri Spaak Building (PHS), Espace Yehudi Menuhin.

Ms. Klarsfeld will be available to meet the press from 12.30 to 13.00 and from 14.30 to 15.00, in French and German. If interested, please contact:

Isabelle ZERROUK

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Photo and video coverage of the ceremony and from historical archives will be made available soon after the event.

The poster of the ceremony.

Hashtag: #HolocaustRemembrance



Screenshot: European Jewish Congress / EP Tony Blair speech 2017

Mr Antonio Tajani, President of the European Parliament
in partnership with
the European Jewish Congress
welcomes you to the

International Holocaust Remembrance Day Ceremony

Speakers



Mr Antonio Tajani
President of the European Parliament

Dr Moshe Kantor
President of the European Jewish Congress

Mrs Beate Klarsfeld
*Honorary Ambassador and Special Envoy for Education about the Holocaust
and the Prevention of Genocide*

Wednesday, 25 January 2017
European Parliament - Yehudi Menuhin Hall

12.00 Arrival of Guests
13.00 Solemn Commemoration Ceremony

(Felix Nussbaum, Auto-portrait with passport, 1943)

European Parliament Poster 2017

Saddam Hanging stimuleert zaak voor Internationaal Strafhof

07 januari 2007

Artikel

Auteurs

Praful Bidwai

[vertaling vanuit Engels]

Programma's

Oorlog en pacificatie

NEW DELHI - De manier waarop de voormalige Iraakse president Saddam Hoessein werd opgehangen, heeft afkeer en kritiek uitgelokt in veel landen over de hele wereld, waaronder India, waar 120 miljoen moslims wonen.

Degenen die principieel tegen de doodstraf zijn, werden vergezeld door critici van het proces en degenen die geschokt waren door de timing van de executie op de eerste dag van Eid-al-Adha, die een heilige periode markeert in de moslimkalender.

Ze wijzen erop dat talrijke regeringen de ophanging van Hussein hebben bekritiseerd als een voorbeeld van "overwinnaarsgerechtigheid". De Verenigde Naties hebben de eerste reactie van de nieuwe secretaris-generaal Ban ki-Moon moeten corrigeren door te herinneren aan het verzet van de organisatie tegen de doodstraf.

Critici in India waren vooral verontwaardigd over de videoclip van de executie, die op een lugubere manier de obscene beschimpingen van Hussein op zijn laatste momenten verbeeldde door wat "The New York Times" "een sjitische lynchmeute" noemde.

De seculiere mening in dit land stelt dat veel regeringen er niet in geslaagd zijn de juiste conclusie te trekken uit de vervolging van Hussein door een speciale Iraakse rechtbank, die werkt onder voorwaarden die zijn vastgesteld door de bezettingsmachten: namelijk dat er een alternatief tribunaal met volledige en gepaste internationale legitimiteit bestaat in de vorm van het Internationaal Strafhof (ICC) dat in 2003 werd opgericht.

"Het is geen toeval dat het land dat de oppositie tegen het ICC heeft geleid, de Verenigde Staten, ook de belangrijkste bezettingsmacht in Irak is en de invasie leidde in het jaar dat het ICC werd opgericht", zegt Prashant Bhushan, een prominent publiek belang vertelde een advocaat in India aan IPS.

De VS weigerden Saddam Hoessein te laten berechten door een internationaal tribunaal dat het Internationaal Verdrag inzake burgerrechten en politieke rechten zou volgen, dat de VS en Irak hebben ondertekend. In plaats daarvan benoemde het het Supreme Iraqi Criminal Tribunal (SICT) en stelde procedure, die sterk bevooroordeeld was in het voordeel van de vervolging, voegt Bhushan eraan toe.

Als het ICC Hussein had berecht voor zijn vermeende misdaden tegen de menselijkheid, zou het de talrijke tekortkomingen hebben voorkomen die zijn vervolging door de SICT kenmerkten, zoals opgemerkt door de werkgroep van de Verenigde Naties voor willekeurige detentie (UGAD), opgericht door de VN-Commissie voor de mensenrechten. UGAD ontving zijn mandaat van de Algemene Vergadering en de VN-Mensenrechtenraad.

UGAD oordeelde dat "de vrijheidsbeneming van Saddam Hoessein willekeurig is en in strijd is met artikel 14 van het Internationaal Verdrag inzake burgerrechten en politieke rechten (ICCPR)." De verdachten werd het elementaire recht om zichzelf te verdedigen ontzegd. Hussein had geen ongehinderde toegang tot zijn advocaten, noch voldoende

faciliteiten om zijn verdediging voor te bereiden. Twee van de advocaten van Hussein werden vermoord. Dit "ondermijnde ernstig zijn recht om zichzelf te verdedigen door middel van een door hem gekozen raad".

SICT-rechter Abdel-Rahman, die het definitieve vonnis uitsprak, maakte abrupt een einde aan het proces in juni 2006. Hij legde "verklaringen af die onverenigbaar waren met onpartijdigheid en het vermoeden van onschuld zoals vastgelegd in artikel 14 (2) van het IVBPR."

Zelfs voordat het proces eindigde, eiste de Iraakse premier Nuri Al-Maliki dat Hussein zou worden opgehangen. Meer recentelijk verklaarde hij dat de ophanging voor het einde van het jaar zou plaatsvinden, waarmee hij het recht van de rechterlijke macht zou overnemen. De laatste procedurele toestemmingen werden in ongepaste haast verkregen.

Toch drukte de Amerikaanse president George W. Bush zijn goedkeurende stempel op deze grove gerechtelijke dwaling door Husseins ophanging toe te juichen als "een belangrijke mijlpaal op de koers van Irak om een democratie te worden".

Spijtig genoeg, zeggen rechtenactivisten, blijven veel regeringen die hun "teleurstelling" over de executie van Hussein hebben geuit, zich verzetten tegen het ICC en hebben ze het Statuut van Rome van 1998 dat het Hof in het leven heeft geroepen, niet ondertekend of geratificeerd.

Het statuut werd aangenomen door 120 landen, maar verzette zich tegen zeven staten, waaronder de VS, China, Irak, Israël, Libië, Qatar en Jemen. In alle 96 landen werd het statuut geratificeerd. India was er niet bij.

Het ICC is bevoegd om personen te vervolgen voor ernstige schendingen van het internationaal recht, zoals genocide, oorlogsmisdaden en misdaden tegen de menselijkheid. Oorlogsmisdaden omvatten schendingen van de Verdragen van Genève en van het internationaal gewoonterecht, opzettelijk doden, martelen of onmenselijke behandeling, verminking, aanvallen of bombarderen van niet-verdedigde steden / dorpen / woningen / gebouwen die geen militair doelwit zijn, het opzettelijk richten van aanvallen op de burgerbevolking en het plegen van gewelddadigheden op persoonlijke waardigheid.

Misdaden tegen de menselijkheid omvatten verboden handelingen die worden gepleegd als onderdeel van een wijdverbreide of systematische aanval tegen een burgerbevolking. Ze omvatten het uitroeien van burgers, moord, slavernij, gedwongen verdwijningen, marteling, verkrachting, seksuele slavernij, gedwongen prostitutie, gedwongen zwangerschap of enige andere vorm van seksueel geweld.

"Het is aannemelijk dat de VS en zijn bondgenoten zich prima facie schuldig hebben gemaakt aan precies dergelijke misdaden", zegt Prashant Bhushan. "Het ICC is het geschikte forum om hen te berechten. En president Bush en premier Tony Blair van Groot-Brittannië zijn geschikte kandidaten voor een dergelijke vervolging voor hun daden in Irak, waaronder marteling in de Abu Ghraib-gevangenis en moorden in Fallujah en vele andere plaatsen."

De John Hopkins School of Public Health in de VS schat dat de bezetting van Irak heeft geleid tot de dood van 655.000 burgers sinds de invasie van het land in maart 2003. Zelfs vóór de oorlog leidden op bevel van de VS opgelegde sancties tot de dood van een naar schatting een miljoen Iraakse burgers, waarvan de helft kinderen.

"Het ICC is het beste internationale forum om straffeloosheid te bestrijden en daders van ernstige misdrijven, die vaak ongestraft blijven, onder de aandacht te brengen", zegt Usha Ramanathan, een in New Delhi gevestigde, onafhankelijke juridische onderzoeker. "Het is ideaal geplaatst om gerechtigheid voor iedereen te bereiken, om op te treden als een laatste

redmiddel, om de tekortkomingen van ad hoc tribunalen te verhelpen, om toekomstige daders van gruwelijke misdaden af te schrikken en om ware en duurzame vrede te hebben, gebaseerd op gerechtigheid."

Het ICC werd krachtig gepromoot door de VN en is er via verschillende overeenkomsten mee verbonden. Het statuut vormt een aanvulling op het VN-handvest. De Veiligheidsraad kan een bepaalde kwestie of situatie voorleggen aan het ICC, maar het Hof heeft geen goedkeuring van de Veiligheidsraad nodig om een procedure te starten. Het ICC kan zaken berechten die het door de staten die partij zijn, de Veiligheidsraad of de speciale aanklager, die een onderzoek kunnen instellen naar een misdrijf dat onder zijn / haar aandacht is gebracht, berechten.

Het ICC-statuuut bevat tal van checks and balances om mogelijk misbruik te voorkomen. Het is gebaseerd op het complementariteitsbeginsel, dat wil zeggen, het zou een aanvulling vormen op de nationale rechtssystemen en niet als vervanging daarvan fungeren. De officier van justitie kan geen onderzoek starten zonder toestemming van een voorlopige kamer van drie rechters.

"Het ICC vertegenwoordigt een belangrijke stap vooruit ten opzichte van bestaande regelingen", zegt Saumya Uma, coördinator van ICC-India, de Indiase campagne voor het Internationaal Strafhof. "Het stelt individuen in staat eerlijk en in overeenstemming met het internationaal recht te worden vervolgd in een echt mondiaal forum, volgens het principe dat misdaden tegen de menselijkheid en oorlogsmisdaden de zorg zijn van de hele wereld en niet van één specifieke natie staat. zich ertegen verzetten op valse en beperkte gronden van 'soevereiniteit'."

Maar India en de VS hebben de handen ineengeslagen om zich tegen het ICC te verzetten. In december 2002 ondertekenden ze een overeenkomst om elkaars onderdanen niet uit te leveren aan "enig internationaal tribunaal zonder de uitdrukkelijke toestemming van het andere land".

De VS verzet zich tegen het ICC omdat het beweert dat zijn soldaten en functionarissen het doelwit zouden zijn van politiek gemotiveerde vervolgingen, wat de inspanningen van "vredeshandhaving" over de hele wereld zou belemmeren.

India verzet zich ogenschijnlijk tegen het ICC omdat het terrorisme uitsluit van de lijst van misdaden, evenals het eerste gebruik van kernwapens. De echte reden kan echter te maken hebben met de schendingen van de mensenrechten door de Indiase veiligheidstroepen in Kasjmir en het noordoosten en de straffeloosheid die het in de praktijk verleent aan de plegers van haatmisdrijven en gemeenschappelijk geweld, zoals de staat West-Gujarat in 2002, toen 2000 moslims werden vermoord met medeplichtigheid of medeplichtigheid van de staat.

"Dit is wat de positie van de Indiase regering uiterst hypocriet maakt", zegt Bhushan. "Het is er niet in geslaagd de criminelen van het bloedbad in Gujarat te straffen. En toch luidt het lege retoriek over de rechtsstaat en het belang van multilaterale instellingen. Het is niet genoeg dat India 'spijt' heeft van de ophanging van Saddam Hoessein. Het moet handelen door het ICC te steunen."

Kort daarna veroordeelde de heersende congrespartij van India het en de officiële woordvoerder Janardhan Dwivedi zei dat het riekt naar 'ad-hoc-overwinnaars'-gerechtigheid'.

Voor het eerst gepubliceerd door [Inter Press Service](#)

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Rome Statute of the International Criminal Court

Rome Statute of the International Criminal Court

The text of the Rome Statute reproduced herein was originally circulated as document A/CONF.183/9 of 17 July 1998 and corrected by *procès-verbaux* of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002. The amendments to article 8 reproduce the text contained in depositary notification C.N.651.2010 Treaties-6, while the amendments regarding articles 8 *bis*, 15 *bis* and 15 *ter* replicate the text contained in depositary notification C.N.651.2010 Treaties-8; both depositary communications are dated 29 November 2010. The table of contents is not part of the text of the Rome Statute adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998. It has been included in this publication for ease of reference.

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PREAMBLE

The States Parties to this Statute,

Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time,

Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,

Recognizing that such grave crimes threaten the peace, security and well-being of the world,

Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,

Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,

Recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,

Reaffirming the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,

Emphasizing in this connection that nothing in this Statute shall be taken as authorizing any State Party to intervene in an armed conflict or in the internal affairs of any State,

Determined to these ends and for the sake of present and future generations, to establish an independent permanent International Criminal Court in relationship with the United Nations system, with jurisdiction over the most serious crimes of concern to the international community as a whole,

Emphasizing that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions,

Resolved to guarantee lasting respect for and the enforcement of international justice,

Have agreed as follows:

PART 1. ESTABLISHMENT OF THE COURT

Article 1 The Court

An International Criminal Court ("the Court") is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions. The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute.

Article 2 Relationship of the Court with the United Nations

The Court shall be brought into relationship with the United Nations through an agreement to be approved by the Assembly of States Parties to this Statute and thereafter concluded by the President of the Court on its behalf.

Article 3 Seat of the Court

1. The seat of the Court shall be established at The Hague in the Netherlands ("the host State").
2. The Court shall enter into a headquarters agreement with the host State, to be approved by the Assembly of States Parties and thereafter concluded by the President of the Court on its behalf.
3. The Court may sit elsewhere, whenever it considers it desirable, as provided in this Statute.

Article 4 Legal status and powers of the Court

1. The Court shall have international legal personality. It shall also have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.
2. The Court may exercise its functions and powers, as provided in this Statute, on the territory of any State Party and, by special agreement, on the territory of any other State.

PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW

Article 5¹

Crimes within the jurisdiction of the Court

The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.

Article 6

Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 7

Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

1 Paragraph 2 of article 5 ("The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime. Such a provision shall be consistent with the relevant provisions of the Charter of the United Nations.") was deleted in accordance with RC/Res.6, annex I, of 11 June 2010.

- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
- (b) "Extermination" includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- (c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- (d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
- (e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
- (f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
- (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

- (i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.
- 3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Article 8²

War crimes

- 1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
- 2. For the purpose of this Statute, "war crimes" means:
 - (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - (i) Wilful killing;
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (iii) Wilfully causing great suffering, or serious injury to body or health;
 - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (vii) Unlawful deportation or transfer or unlawful confinement;
 - (viii) Taking of hostages.
 - (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

2 Paragraphs 2 (e) (xiii) to 2 (e) (xv) were amended by resolution RC/Res.5 of 11 June 2010 (adding paragraphs 2 (e) (xiii) to 2 (e) (xv)).

- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- (xvi) Pillaging a town or place, even when taken by assault;
- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
 - (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
 - (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (iii) Taking of hostages;
 - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - (v) Pillaging a town or place, even when taken by assault;
 - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
 - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
 - (xiii) Employing poison or poisoned weapons;
 - (xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
 - (xv) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.

- (f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.
- 3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

Article 8 *bis*³

Crime of aggression

- 1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.
- 2. For the purpose of paragraph 1, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:
 - (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
 - (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
 - (c) The blockade of the ports or coasts of a State by the armed forces of another State;
 - (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
 - (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
 - (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
 - (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

3 Inserted by resolution RC/Res.6 of 11 June 2010.

Article 9⁴

Elements of Crimes

1. Elements of Crimes shall assist the Court in the interpretation and application of articles 6, 7, 8 and 8 *bis*. They shall be adopted by a two-thirds majority of the members of the Assembly of States Parties.
2. Amendments to the Elements of Crimes may be proposed by:
 - (a) Any State Party;
 - (b) The judges acting by an absolute majority;
 - (c) The Prosecutor.Such amendments shall be adopted by a two-thirds majority of the members of the Assembly of States Parties.
3. The Elements of Crimes and amendments thereto shall be consistent with this Statute.

Article 10

Nothing in this Part shall be interpreted as limiting or prejudicing in any way existing or developing rules of international law for purposes other than this Statute.

Article 11

Jurisdiction *ratione temporis*

1. The Court has jurisdiction only with respect to crimes committed after the entry into force of this Statute.
2. If a State becomes a Party to this Statute after its entry into force, the Court may exercise its jurisdiction only with respect to crimes committed after the entry into force of this Statute for that State, unless that State has made a declaration under article 12, paragraph 3.

Article 12

Preconditions to the exercise of jurisdiction

1. A State which becomes a Party to this Statute thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5.
2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:
 - (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft;
 - (b) The State of which the person accused of the crime is a national.
3. If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.

4 As amended by resolution RC/Res.6 of 11 June 2010 (inserting the reference to article 8 *bis*).

Article 13

Exercise of jurisdiction

The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if:

- (a) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by a State Party in accordance with article 14;
- (b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or
- (c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.

Article 14

Referral of a situation by a State Party

1. A State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes.
2. As far as possible, a referral shall specify the relevant circumstances and be accompanied by such supporting documentation as is available to the State referring the situation.

Article 15

Prosecutor

1. The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court.
2. The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court.
3. If the Prosecutor concludes that there is a reasonable basis to proceed with an investigation, he or she shall submit to the Pre-Trial Chamber a request for authorization of an investigation, together with any supporting material collected. Victims may make representations to the Pre-Trial Chamber, in accordance with the Rules of Procedure and Evidence.
4. If the Pre-Trial Chamber, upon examination of the request and the supporting material, considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court, it shall authorize the commencement of the investigation, without prejudice to subsequent determinations by the Court with regard to the jurisdiction and admissibility of a case.
5. The refusal of the Pre-Trial Chamber to authorize the investigation shall not preclude the presentation of a subsequent request by the Prosecutor based on new facts or evidence regarding the same situation.

6. If, after the preliminary examination referred to in paragraphs 1 and 2, the Prosecutor concludes that the information provided does not constitute a reasonable basis for an investigation, he or she shall inform those who provided the information. This shall not preclude the Prosecutor from considering further information submitted to him or her regarding the same situation in the light of new facts or evidence.

Article 15 *bis*⁵

Exercise of jurisdiction over the crime of aggression (State referral, *proprio motu*)

1. The Court may exercise jurisdiction over the crime of aggression in accordance with article 13, paragraphs (a) and (c), subject to the provisions of this article.
2. The Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or acceptance of the amendments by thirty States Parties.
3. The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.
4. The Court may, in accordance with article 12, exercise jurisdiction over a crime of aggression, arising from an act of aggression committed by a State Party, unless that State Party has previously declared that it does not accept such jurisdiction by lodging a declaration with the Registrar. The withdrawal of such a declaration may be effected at any time and shall be considered by the State Party within three years.
5. In respect of a State that is not a party to this Statute, the Court shall not exercise its jurisdiction over the crime of aggression when committed by that State's nationals or on its territory.
6. Where the Prosecutor concludes that there is a reasonable basis to proceed with an investigation in respect of a crime of aggression, he or she shall first ascertain whether the Security Council has made a determination of an act of aggression committed by the State concerned. The Prosecutor shall notify the Secretary-General of the United Nations of the situation before the Court, including any relevant information and documents.
7. Where the Security Council has made such a determination, the Prosecutor may proceed with the investigation in respect of a crime of aggression.
8. Where no such determination is made within six months after the date of notification, the Prosecutor may proceed with the investigation in respect of a crime of aggression, provided that the Pre-Trial Division has authorized the commencement of the investigation in respect of a crime of aggression in accordance with the procedure contained in article 15, and the Security Council has not decided otherwise in accordance with article 16.
9. A determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court's own findings under this Statute.
10. This article is without prejudice to the provisions relating to the exercise of jurisdiction with respect to other crimes referred to in article 5.

5 Inserted by resolution RC/Res.6 of 11 June 2010.

Article 15 *ter*⁶

Exercise of jurisdiction over the crime of aggression (Security Council referral)

1. The Court may exercise jurisdiction over the crime of aggression in accordance with article 13, paragraph (b), subject to the provisions of this article.
2. The Court may exercise jurisdiction only with respect to crimes of aggression committed one year after the ratification or acceptance of the amendments by thirty States Parties.
3. The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.
4. A determination of an act of aggression by an organ outside the Court shall be without prejudice to the Court's own findings under this Statute.
5. This article is without prejudice to the provisions relating to the exercise of jurisdiction with respect to other crimes referred to in article 5.

Article 16

Deferral of investigation or prosecution

No investigation or prosecution may be commenced or proceeded with under this Statute for a period of 12 months after the Security Council, in a resolution adopted under Chapter VII of the Charter of the United Nations, has requested the Court to that effect; that request may be renewed by the Council under the same conditions.

Article 17

Issues of admissibility

1. Having regard to paragraph 10 of the Preamble and article 1, the Court shall determine that a case is inadmissible where:
 - (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
 - (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;
 - (c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3;
 - (d) The case is not of sufficient gravity to justify further action by the Court.
2. In order to determine unwillingness in a particular case, the Court shall consider, having regard to the principles of due process recognized by international law, whether one or more of the following exist, as applicable:

6 Inserted by resolution RC/Res.6 of 11 June 2010.

- (a) The proceedings were or are being undertaken or the national decision was made for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court referred to in article 5;
 - (b) There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice;
 - (c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice.
3. In order to determine inability in a particular case, the Court shall consider whether, due to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out its proceedings.

Article 18

Preliminary rulings regarding admissibility

1. When a situation has been referred to the Court pursuant to article 13 (a) and the Prosecutor has determined that there would be a reasonable basis to commence an investigation, or the Prosecutor initiates an investigation pursuant to articles 13 (c) and 15, the Prosecutor shall notify all States Parties and those States which, taking into account the information available, would normally exercise jurisdiction over the crimes concerned. The Prosecutor may notify such States on a confidential basis and, where the Prosecutor believes it necessary to protect persons, prevent destruction of evidence or prevent the absconding of persons, may limit the scope of the information provided to States.
2. Within one month of receipt of that notification, a State may inform the Court that it is investigating or has investigated its nationals or others within its jurisdiction with respect to criminal acts which may constitute crimes referred to in article 5 and which relate to the information provided in the notification to States. At the request of that State, the Prosecutor shall defer to the State's investigation of those persons unless the Pre-Trial Chamber, on the application of the Prosecutor, decides to authorize the investigation.
3. The Prosecutor's deferral to a State's investigation shall be open to review by the Prosecutor six months after the date of deferral or at any time when there has been a significant change of circumstances based on the State's unwillingness or inability genuinely to carry out the investigation.
4. The State concerned or the Prosecutor may appeal to the Appeals Chamber against a ruling of the Pre-Trial Chamber, in accordance with article 82. The appeal may be heard on an expedited basis.
5. When the Prosecutor has deferred an investigation in accordance with paragraph 2, the Prosecutor may request that the State concerned periodically inform the Prosecutor of the progress of its investigations and any subsequent prosecutions. States Parties shall respond to such requests without undue delay.
6. Pending a ruling by the Pre-Trial Chamber, or at any time when the Prosecutor has deferred an investigation under this article, the Prosecutor may, on an exceptional basis, seek authority from the Pre-Trial Chamber to pursue necessary investigative

steps for the purpose of preserving evidence where there is a unique opportunity to obtain important evidence or there is a significant risk that such evidence may not be subsequently available.

7. A State which has challenged a ruling of the Pre-Trial Chamber under this article may challenge the admissibility of a case under article 19 on the grounds of additional significant facts or significant change of circumstances.

Article 19

Challenges to the jurisdiction of the Court or the admissibility of a case

1. The Court shall satisfy itself that it has jurisdiction in any case brought before it. The Court may, on its own motion, determine the admissibility of a case in accordance with article 17.
2. Challenges to the admissibility of a case on the grounds referred to in article 17 or challenges to the jurisdiction of the Court may be made by:
 - (a) An accused or a person for whom a warrant of arrest or a summons to appear has been issued under article 58;
 - (b) A State which has jurisdiction over a case, on the ground that it is investigating or prosecuting the case or has investigated or prosecuted; or
 - (c) A State from which acceptance of jurisdiction is required under article 12.
3. The Prosecutor may seek a ruling from the Court regarding a question of jurisdiction or admissibility. In proceedings with respect to jurisdiction or admissibility, those who have referred the situation under article 13, as well as victims, may also submit observations to the Court.
4. The admissibility of a case or the jurisdiction of the Court may be challenged only once by any person or State referred to in paragraph 2. The challenge shall take place prior to or at the commencement of the trial. In exceptional circumstances, the Court may grant leave for a challenge to be brought more than once or at a time later than the commencement of the trial. Challenges to the admissibility of a case, at the commencement of a trial, or subsequently with the leave of the Court, may be based only on article 17, paragraph 1 (c).
5. A State referred to in paragraph 2 (b) and (c) shall make a challenge at the earliest opportunity.
6. Prior to the confirmation of the charges, challenges to the admissibility of a case or challenges to the jurisdiction of the Court shall be referred to the Pre-Trial Chamber. After confirmation of the charges, they shall be referred to the Trial Chamber. Decisions with respect to jurisdiction or admissibility may be appealed to the Appeals Chamber in accordance with article 82.
7. If a challenge is made by a State referred to in paragraph 2 (b) or (c), the Prosecutor shall suspend the investigation until such time as the Court makes a determination in accordance with article 17.
8. Pending a ruling by the Court, the Prosecutor may seek authority from the Court:
 - (a) To pursue necessary investigative steps of the kind referred to in article 18, paragraph 6;
 - (b) To take a statement or testimony from a witness or complete the collection and examination of evidence which had begun prior to the making of the challenge; and

- (c) In cooperation with the relevant States, to prevent the absconding of persons in respect of whom the Prosecutor has already requested a warrant of arrest under article 58.
- 9. The making of a challenge shall not affect the validity of any act performed by the Prosecutor or any order or warrant issued by the Court prior to the making of the challenge.
- 10. If the Court has decided that a case is inadmissible under article 17, the Prosecutor may submit a request for a review of the decision when he or she is fully satisfied that new facts have arisen which negate the basis on which the case had previously been found inadmissible under article 17.
- 11. If the Prosecutor, having regard to the matters referred to in article 17, defers an investigation, the Prosecutor may request that the relevant State make available to the Prosecutor information on the proceedings. That information shall, at the request of the State concerned, be confidential. If the Prosecutor thereafter decides to proceed with an investigation, he or she shall notify the State to which deferral of the proceedings has taken place.

Article 20⁷

Ne bis in idem

- 1. Except as provided in this Statute, no person shall be tried before the Court with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Court.
- 2. No person shall be tried by another court for a crime referred to in article 5 for which that person has already been convicted or acquitted by the Court.
- 3. No person who has been tried by another court for conduct also proscribed under article 6, 7, 8 or 8 *bis* shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:
 - (a) Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court; or
 - (b) Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice.

Article 21

Applicable law

- 1. The Court shall apply:
 - (a) In the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence;
 - (b) In the second place, where appropriate, applicable treaties and the principles and rules of international law, including the established principles of the international law of armed conflict;

⁷ As amended by resolution RC/Res.6 of 11 June 2010 (inserting the reference to article 8 *bis*).

- (c) Failing that, general principles of law derived by the Court from national laws of legal systems of the world including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with this Statute and with international law and internationally recognized norms and standards.
- 2. The Court may apply principles and rules of law as interpreted in its previous decisions.
- 3. The application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights, and be without any adverse distinction founded on grounds such as gender as defined in article 7, paragraph 3, age, race, colour, language, religion or belief, political or other opinion, national, ethnic or social origin, wealth, birth or other status.

PART 3. GENERAL PRINCIPLES OF CRIMINAL LAW

Article 22

Nullum crimen sine lege

1. A person shall not be criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.
2. The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.
3. This article shall not affect the characterization of any conduct as criminal under international law independently of this Statute.

Article 23

Nulla poena sine lege

A person convicted by the Court may be punished only in accordance with this Statute.

Article 24

Non-retroactivity ratione personae

1. No person shall be criminally responsible under this Statute for conduct prior to the entry into force of the Statute.
2. In the event of a change in the law applicable to a given case prior to a final judgement, the law more favourable to the person being investigated, prosecuted or convicted shall apply.

Article 25⁸

Individual criminal responsibility

1. The Court shall have jurisdiction over natural persons pursuant to this Statute.
2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.
3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:
 - (a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;
 - (b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;
 - (c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
 - (d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

8 As amended by resolution RC/Res.6 of 11 June 2010 (adding paragraph 3 *bis*).

- (i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or
 - (ii) Be made in the knowledge of the intention of the group to commit the crime;
 - (e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;
 - (f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.
- 3 *bis*. In respect of the crime of aggression, the provisions of this article shall apply only to persons in a position effectively to exercise control over or to direct the political or military action of a State.
4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

Article 26

Exclusion of jurisdiction over persons under eighteen

The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime.

Article 27

Irrelevance of official capacity

1. This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.
2. Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

Article 28

Responsibility of commanders and other superiors

In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:

- (a) A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:

- (i) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and
 - (ii) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.
- (b) With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:
- (i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;
 - (ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and
 - (iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

Article 29

Non-applicability of statute of limitations

The crimes within the jurisdiction of the Court shall not be subject to any statute of limitations.

Article 30

Mental element

1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.
2. For the purposes of this article, a person has intent where:
 - (a) In relation to conduct, that person means to engage in the conduct;
 - (b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.
3. For the purposes of this article, "knowledge" means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. "Know" and "knowingly" shall be construed accordingly.

Article 31

Grounds for excluding criminal responsibility

1. In addition to other grounds for excluding criminal responsibility provided for in this Statute, a person shall not be criminally responsible if, at the time of that person's conduct:

- (a) The person suffers from a mental disease or defect that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law;
 - (b) The person is in a state of intoxication that destroys that person's capacity to appreciate the unlawfulness or nature of his or her conduct, or capacity to control his or her conduct to conform to the requirements of law, unless the person has become voluntarily intoxicated under such circumstances that the person knew, or disregarded the risk, that, as a result of the intoxication, he or she was likely to engage in conduct constituting a crime within the jurisdiction of the Court;
 - (c) The person acts reasonably to defend himself or herself or another person or, in the case of war crimes, property which is essential for the survival of the person or another person or property which is essential for accomplishing a military mission, against an imminent and unlawful use of force in a manner proportionate to the degree of danger to the person or the other person or property protected. The fact that the person was involved in a defensive operation conducted by forces shall not in itself constitute a ground for excluding criminal responsibility under this subparagraph;
 - (d) The conduct which is alleged to constitute a crime within the jurisdiction of the Court has been caused by duress resulting from a threat of imminent death or of continuing or imminent serious bodily harm against that person or another person, and the person acts necessarily and reasonably to avoid this threat, provided that the person does not intend to cause a greater harm than the one sought to be avoided. Such a threat may either be:
 - (i) Made by other persons; or
 - (ii) Constituted by other circumstances beyond that person's control.
2. The Court shall determine the applicability of the grounds for excluding criminal responsibility provided for in this Statute to the case before it.
 3. At trial, the Court may consider a ground for excluding criminal responsibility other than those referred to in paragraph 1 where such a ground is derived from applicable law as set forth in article 21. The procedures relating to the consideration of such a ground shall be provided for in the Rules of Procedure and Evidence.

Article 32

Mistake of fact or mistake of law

1. A mistake of fact shall be a ground for excluding criminal responsibility only if it negates the mental element required by the crime.
2. A mistake of law as to whether a particular type of conduct is a crime within the jurisdiction of the Court shall not be a ground for excluding criminal responsibility. A mistake of law may, however, be a ground for excluding criminal responsibility if it negates the mental element required by such a crime, or as provided for in article 33.

Article 33

Superior orders and prescription of law

1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless:

- (a) The person was under a legal obligation to obey orders of the Government or the superior in question;
 - (b) The person did not know that the order was unlawful; and
 - (c) The order was not manifestly unlawful.
- 2. For the purposes of this article, orders to commit genocide or crimes against humanity are manifestly unlawful.

PART 4. COMPOSITION AND ADMINISTRATION OF THE COURT

Article 34 Organs of the Court

The Court shall be composed of the following organs:

- (a) The Presidency;
- (b) An Appeals Division, a Trial Division and a Pre-Trial Division;
- (c) The Office of the Prosecutor;
- (d) The Registry.

Article 35 Service of judges

- 1. All judges shall be elected as full-time members of the Court and shall be available to serve on that basis from the commencement of their terms of office.
- 2. The judges composing the Presidency shall serve on a full-time basis as soon as they are elected.
- 3. The Presidency may, on the basis of the workload of the Court and in consultation with its members, decide from time to time to what extent the remaining judges shall be required to serve on a full-time basis. Any such arrangement shall be without prejudice to the provisions of article 40.
- 4. The financial arrangements for judges not required to serve on a full-time basis shall be made in accordance with article 49.

Article 36 Qualifications, nomination and election of judges

- 1. Subject to the provisions of paragraph 2, there shall be 18 judges of the Court.
- 2.
 - (a) The Presidency, acting on behalf of the Court, may propose an increase in the number of judges specified in paragraph 1, indicating the reasons why this is considered necessary and appropriate. The Registrar shall promptly circulate any such proposal to all States Parties.
 - (b) Any such proposal shall then be considered at a meeting of the Assembly of States Parties to be convened in accordance with article 112. The proposal shall be considered adopted if approved at the meeting by a vote of two thirds of the members of the Assembly of States Parties and shall enter into force at such time as decided by the Assembly of States Parties.
 - (c)
 - (i) Once a proposal for an increase in the number of judges has been adopted under subparagraph (b), the election of the additional judges shall take place at the next session of the Assembly of States Parties in accordance with paragraphs 3 to 8, and article 37, paragraph 2;
 - (ii) Once a proposal for an increase in the number of judges has been adopted and brought into effect under subparagraphs (b) and (c) (i), it shall be open to the Presidency at any time thereafter, if the workload of the Court justifies it, to propose a reduction in the number of

judges, provided that the number of judges shall not be reduced below that specified in paragraph 1. The proposal shall be dealt with in accordance with the procedure laid down in subparagraphs (a) and (b). In the event that the proposal is adopted, the number of judges shall be progressively decreased as the terms of office of serving judges expire, until the necessary number has been reached.

3.
 - (a) The judges shall be chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices.
 - (b) Every candidate for election to the Court shall:
 - (i) Have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings; or
 - (ii) Have established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court;
 - (c) Every candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.
4.
 - (a) Nominations of candidates for election to the Court may be made by any State Party to this Statute, and shall be made either:
 - (i) By the procedure for the nomination of candidates for appointment to the highest judicial offices in the State in question; or
 - (ii) By the procedure provided for the nomination of candidates for the International Court of Justice in the Statute of that Court.Nominations shall be accompanied by a statement in the necessary detail specifying how the candidate fulfils the requirements of paragraph 3.
 - (b) Each State Party may put forward one candidate for any given election who need not necessarily be a national of that State Party but shall in any case be a national of a State Party.
 - (c) The Assembly of States Parties may decide to establish, if appropriate, an Advisory Committee on nominations. In that event, the Committee's composition and mandate shall be established by the Assembly of States Parties.
5. For the purposes of the election, there shall be two lists of candidates:

List A containing the names of candidates with the qualifications specified in paragraph 3 (b) (i); and

List B containing the names of candidates with the qualifications specified in paragraph 3 (b) (ii).

A candidate with sufficient qualifications for both lists may choose on which list to appear. At the first election to the Court, at least nine judges shall be elected from list A and at least five judges from list B. Subsequent elections shall be so organized as to maintain the equivalent proportion on the Court of judges qualified on the two lists.
6.
 - (a) The judges shall be elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose under article 112. Subject to

paragraph 7, the persons elected to the Court shall be the 18 candidates who obtain the highest number of votes and a two-thirds majority of the States Parties present and voting.

- (b) In the event that a sufficient number of judges is not elected on the first ballot, successive ballots shall be held in accordance with the procedures laid down in subparagraph (a) until the remaining places have been filled.
7. No two judges may be nationals of the same State. A person who, for the purposes of membership of the Court, could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.
8.
 - (a) The States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for:
 - (i) The representation of the principal legal systems of the world;
 - (ii) Equitable geographical representation; and
 - (iii) A fair representation of female and male judges.
 - (b) States Parties shall also take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children.
9.
 - (a) Subject to subparagraph (b), judges shall hold office for a term of nine years and, subject to subparagraph (c) and to article 37, paragraph 2, shall not be eligible for re-election.
 - (b) At the first election, one third of the judges elected shall be selected by lot to serve for a term of three years; one third of the judges elected shall be selected by lot to serve for a term of six years; and the remainder shall serve for a term of nine years.
 - (c) A judge who is selected to serve for a term of three years under subparagraph (b) shall be eligible for re-election for a full term.
10. Notwithstanding paragraph 9, a judge assigned to a Trial or Appeals Chamber in accordance with article 39 shall continue in office to complete any trial or appeal the hearing of which has already commenced before that Chamber.

Article 37

Judicial vacancies

1. In the event of a vacancy, an election shall be held in accordance with article 36 to fill the vacancy.
2. A judge elected to fill a vacancy shall serve for the remainder of the predecessor's term and, if that period is three years or less, shall be eligible for re-election for a full term under article 36.

Article 38

The Presidency

1. The President and the First and Second Vice-Presidents shall be elected by an absolute majority of the judges. They shall each serve for a term of three years or until the end of their respective terms of office as judges, whichever expires earlier. They shall be eligible for re-election once.

2. The First Vice-President shall act in place of the President in the event that the President is unavailable or disqualified. The Second Vice-President shall act in place of the President in the event that both the President and the First Vice-President are unavailable or disqualified.
3. The President, together with the First and Second Vice-Presidents, shall constitute the Presidency, which shall be responsible for:
 - (a) The proper administration of the Court, with the exception of the Office of the Prosecutor; and
 - (b) The other functions conferred upon it in accordance with this Statute.
4. In discharging its responsibility under paragraph 3 (a), the Presidency shall coordinate with and seek the concurrence of the Prosecutor on all matters of mutual concern.

Article 39 Chambers

1. As soon as possible after the election of the judges, the Court shall organize itself into the divisions specified in article 34, paragraph (b). The Appeals Division shall be composed of the President and four other judges, the Trial Division of not less than six judges and the Pre-Trial Division of not less than six judges. The assignment of judges to divisions shall be based on the nature of the functions to be performed by each division and the qualifications and experience of the judges elected to the Court, in such a way that each division shall contain an appropriate combination of expertise in criminal law and procedure and in international law. The Trial and Pre-Trial Divisions shall be composed predominantly of judges with criminal trial experience.
2.
 - (a) The judicial functions of the Court shall be carried out in each division by Chambers.
 - (b)
 - (i) The Appeals Chamber shall be composed of all the judges of the Appeals Division;
 - (ii) The functions of the Trial Chamber shall be carried out by three judges of the Trial Division;
 - (iii) The functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial Division or by a single judge of that division in accordance with this Statute and the Rules of Procedure and Evidence;
 - (c) Nothing in this paragraph shall preclude the simultaneous constitution of more than one Trial Chamber or Pre-Trial Chamber when the efficient management of the Court's workload so requires.
3.
 - (a) Judges assigned to the Trial and Pre-Trial Divisions shall serve in those divisions for a period of three years, and thereafter until the completion of any case the hearing of which has already commenced in the division concerned.
 - (b) Judges assigned to the Appeals Division shall serve in that division for their entire term of office.
4. Judges assigned to the Appeals Division shall serve only in that division. Nothing in this article shall, however, preclude the temporary attachment of judges from the Trial Division to the Pre-Trial Division or vice versa, if the Presidency considers that the efficient management of the Court's workload so requires, provided that under no

circumstances shall a judge who has participated in the pre-trial phase of a case be eligible to sit on the Trial Chamber hearing that case.

Article 40

Independence of the judges

1. The judges shall be independent in the performance of their functions.
2. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.
3. Judges required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature.
4. Any question regarding the application of paragraphs 2 and 3 shall be decided by an absolute majority of the judges. Where any such question concerns an individual judge, that judge shall not take part in the decision.

Article 41

Excusing and disqualification of judges

1. The Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute, in accordance with the Rules of Procedure and Evidence.
2.
 - (a) A judge shall not participate in any case in which his or her impartiality might reasonably be doubted on any ground. A judge shall be disqualified from a case in accordance with this paragraph if, *inter alia*, that judge has previously been involved in any capacity in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted. A judge shall also be disqualified on such other grounds as may be provided for in the Rules of Procedure and Evidence.
 - (b) The Prosecutor or the person being investigated or prosecuted may request the disqualification of a judge under this paragraph.
 - (c) Any question as to the disqualification of a judge shall be decided by an absolute majority of the judges. The challenged judge shall be entitled to present his or her comments on the matter, but shall not take part in the decision.

Article 42

The Office of the Prosecutor

1. The Office of the Prosecutor shall act independently as a separate organ of the Court. It shall be responsible for receiving referrals and any substantiated information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court. A member of the Office shall not seek or act on instructions from any external source.
2. The Office shall be headed by the Prosecutor. The Prosecutor shall have full authority over the management and administration of the Office, including the staff, facilities and other resources thereof. The Prosecutor shall be assisted by one or more Deputy Prosecutors, who shall be entitled to carry out any of the acts required of the Prosecutor under this Statute. The Prosecutor and the Deputy Prosecutors shall be of different nationalities. They shall serve on a full-time basis.

3. The Prosecutor and the Deputy Prosecutors shall be persons of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases. They shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court.
4. The Prosecutor shall be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties. The Deputy Prosecutors shall be elected in the same way from a list of candidates provided by the Prosecutor. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled. Unless a shorter term is decided upon at the time of their election, the Prosecutor and the Deputy Prosecutors shall hold office for a term of nine years and shall not be eligible for re-election.
5. Neither the Prosecutor nor a Deputy Prosecutor shall engage in any activity which is likely to interfere with his or her prosecutorial functions or to affect confidence in his or her independence. They shall not engage in any other occupation of a professional nature.
6. The Presidency may excuse the Prosecutor or a Deputy Prosecutor, at his or her request, from acting in a particular case.
7. Neither the Prosecutor nor a Deputy Prosecutor shall participate in any matter in which their impartiality might reasonably be doubted on any ground. They shall be disqualified from a case in accordance with this paragraph if, *inter alia*, they have previously been involved in any capacity in that case before the Court or in a related criminal case at the national level involving the person being investigated or prosecuted.
8. Any question as to the disqualification of the Prosecutor or a Deputy Prosecutor shall be decided by the Appeals Chamber.
 - (a) The person being investigated or prosecuted may at any time request the disqualification of the Prosecutor or a Deputy Prosecutor on the grounds set out in this article;
 - (b) The Prosecutor or the Deputy Prosecutor, as appropriate, shall be entitled to present his or her comments on the matter;
9. The Prosecutor shall appoint advisers with legal expertise on specific issues, including, but not limited to, sexual and gender violence and violence against children.

Article 43 The Registry

1. The Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42.
2. The Registry shall be headed by the Registrar, who shall be the principal administrative officer of the Court. The Registrar shall exercise his or her functions under the authority of the President of the Court.
3. The Registrar and the Deputy Registrar shall be persons of high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court.
4. The judges shall elect the Registrar by an absolute majority by secret ballot, taking into account any recommendation by the Assembly of States Parties. If the need arises and upon the recommendation of the Registrar, the judges shall elect, in the same manner, a Deputy Registrar.

5. The Registrar shall hold office for a term of five years, shall be eligible for re-election once and shall serve on a full-time basis. The Deputy Registrar shall hold office for a term of five years or such shorter term as may be decided upon by an absolute majority of the judges, and may be elected on the basis that the Deputy Registrar shall be called upon to serve as required.
6. The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counseling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses. The Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence.

Article 44

Staff

1. The Prosecutor and the Registrar shall appoint such qualified staff as may be required to their respective offices. In the case of the Prosecutor, this shall include the appointment of investigators.
2. In the employment of staff, the Prosecutor and the Registrar shall ensure the highest standards of efficiency, competency and integrity, and shall have regard, *mutatis mutandis*, to the criteria set forth in article 36, paragraph 8.
3. The Registrar, with the agreement of the Presidency and the Prosecutor, shall propose Staff Regulations which include the terms and conditions upon which the staff of the Court shall be appointed, remunerated and dismissed. The Staff Regulations shall be approved by the Assembly of States Parties.
4. The Court may, in exceptional circumstances, employ the expertise of *gratis* personnel offered by States Parties, intergovernmental organizations or non-governmental organizations to assist with the work of any of the organs of the Court. The Prosecutor may accept any such offer on behalf of the Office of the Prosecutor. Such *gratis* personnel shall be employed in accordance with guidelines to be established by the Assembly of States Parties.

Article 45

Solemn undertaking

Before taking up their respective duties under this Statute, the judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar shall each make a solemn undertaking in open court to exercise his or her respective functions impartially and conscientiously.

Article 46

Removal from office

1. A judge, the Prosecutor, a Deputy Prosecutor, the Registrar or the Deputy Registrar shall be removed from office if a decision to this effect is made in accordance with paragraph 2, in cases where that person:
 - (a) Is found to have committed serious misconduct or a serious breach of his or her duties under this Statute, as provided for in the Rules of Procedure and Evidence; or
 - (b) Is unable to exercise the functions required by this Statute.

2. A decision as to the removal from office of a judge, the Prosecutor or a Deputy Prosecutor under paragraph 1 shall be made by the Assembly of States Parties, by secret ballot:
 - (a) In the case of a judge, by a two-thirds majority of the States Parties upon a recommendation adopted by a two-thirds majority of the other judges;
 - (b) In the case of the Prosecutor, by an absolute majority of the States Parties;
 - (c) In the case of a Deputy Prosecutor, by an absolute majority of the States Parties upon the recommendation of the Prosecutor.
3. A decision as to the removal from office of the Registrar or Deputy Registrar shall be made by an absolute majority of the judges.
4. A judge, Prosecutor, Deputy Prosecutor, Registrar or Deputy Registrar whose conduct or ability to exercise the functions of the office as required by this Statute is challenged under this article shall have full opportunity to present and receive evidence and to make submissions in accordance with the Rules of Procedure and Evidence. The person in question shall not otherwise participate in the consideration of the matter.

Article 47

Disciplinary measures

A judge, Prosecutor, Deputy Prosecutor, Registrar or Deputy Registrar who has committed misconduct of a less serious nature than that set out in article 46, paragraph 1, shall be subject to disciplinary measures, in accordance with the Rules of Procedure and Evidence.

Article 48

Privileges and immunities

1. The Court shall enjoy in the territory of each State Party such privileges and immunities as are necessary for the fulfilment of its purposes.
2. The judges, the Prosecutor, the Deputy Prosecutors and the Registrar shall, when engaged on or with respect to the business of the Court, enjoy the same privileges and immunities as are accorded to heads of diplomatic missions and shall, after the expiry of their terms of office, continue to be accorded immunity from legal process of every kind in respect of words spoken or written and acts performed by them in their official capacity.
3. The Deputy Registrar, the staff of the Office of the Prosecutor and the staff of the Registry shall enjoy the privileges and immunities and facilities necessary for the performance of their functions, in accordance with the agreement on the privileges and immunities of the Court.
4. Counsel, experts, witnesses or any other person required to be present at the seat of the Court shall be accorded such treatment as is necessary for the proper functioning of the Court, in accordance with the agreement on the privileges and immunities of the Court.
5. The privileges and immunities of:
 - (a) A judge or the Prosecutor may be waived by an absolute majority of the judges;
 - (b) The Registrar may be waived by the Presidency;

- (c) The Deputy Prosecutors and staff of the Office of the Prosecutor may be waived by the Prosecutor;
- (d) The Deputy Registrar and staff of the Registry may be waived by the Registrar.

Article 49

Salaries, allowances and expenses

The judges, the Prosecutor, the Deputy Prosecutors, the Registrar and the Deputy Registrar shall receive such salaries, allowances and expenses as may be decided upon by the Assembly of States Parties. These salaries and allowances shall not be reduced during their terms of office.

Article 50

Official and working languages

1. The official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish. The judgements of the Court, as well as other decisions resolving fundamental issues before the Court, shall be published in the official languages. The Presidency shall, in accordance with the criteria established by the Rules of Procedure and Evidence, determine which decisions may be considered as resolving fundamental issues for the purposes of this paragraph.
2. The working languages of the Court shall be English and French. The Rules of Procedure and Evidence shall determine the cases in which other official languages may be used as working languages.
3. At the request of any party to a proceeding or a State allowed to intervene in a proceeding, the Court shall authorize a language other than English or French to be used by such a party or State, provided that the Court considers such authorization to be adequately justified.

Article 51

Rules of Procedure and Evidence

1. The Rules of Procedure and Evidence shall enter into force upon adoption by a two-thirds majority of the members of the Assembly of States Parties.
2. Amendments to the Rules of Procedure and Evidence may be proposed by:
 - (a) Any State Party;
 - (b) The judges acting by an absolute majority; or
 - (c) The Prosecutor.

Such amendments shall enter into force upon adoption by a two-thirds majority of the members of the Assembly of States Parties.

3. After the adoption of the Rules of Procedure and Evidence, in urgent cases where the Rules do not provide for a specific situation before the Court, the judges may, by a two-thirds majority, draw up provisional Rules to be applied until adopted, amended or rejected at the next ordinary or special session of the Assembly of States Parties.
4. The Rules of Procedure and Evidence, amendments thereto and any provisional Rule shall be consistent with this Statute. Amendments to the Rules of Procedure and Evidence as well as provisional Rules shall not be applied retroactively to the detriment of the person who is being investigated or prosecuted or who has been convicted.

5. In the event of conflict between the Statute and the Rules of Procedure and Evidence, the Statute shall prevail.

Article 52

Regulations of the Court

1. The judges shall, in accordance with this Statute and the Rules of Procedure and Evidence, adopt, by an absolute majority, the Regulations of the Court necessary for its routine functioning.
2. The Prosecutor and the Registrar shall be consulted in the elaboration of the Regulations and any amendments thereto.
3. The Regulations and any amendments thereto shall take effect upon adoption unless otherwise decided by the judges. Immediately upon adoption, they shall be circulated to States Parties for comments. If within six months there are no objections from a majority of States Parties, they shall remain in force.

PART 5. INVESTIGATION AND PROSECUTION

Article 53

Initiation of an investigation

1. The Prosecutor shall, having evaluated the information made available to him or her, initiate an investigation unless he or she determines that there is no reasonable basis to proceed under this Statute. In deciding whether to initiate an investigation, the Prosecutor shall consider whether:
 - (a) The information available to the Prosecutor provides a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed;
 - (b) The case is or would be admissible under article 17; and
 - (c) Taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice.

If the Prosecutor determines that there is no reasonable basis to proceed and his or her determination is based solely on subparagraph (c) above, he or she shall inform the Pre-Trial Chamber.
2. If, upon investigation, the Prosecutor concludes that there is not a sufficient basis for a prosecution because:
 - (a) There is not a sufficient legal or factual basis to seek a warrant or summons under article 58;
 - (b) The case is inadmissible under article 17; or
 - (c) A prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime, the interests of victims and the age or infirmity of the alleged perpetrator, and his or her role in the alleged crime;

the Prosecutor shall inform the Pre-Trial Chamber and the State making a referral under article 14 or the Security Council in a case under article 13, paragraph (b), of his or her conclusion and the reasons for the conclusion.
3.
 - (a) At the request of the State making a referral under article 14 or the Security Council under article 13, paragraph (b), the Pre-Trial Chamber may review a decision of the Prosecutor under paragraph 1 or 2 not to proceed and may request the Prosecutor to reconsider that decision.
 - (b) In addition, the Pre-Trial Chamber may, on its own initiative, review a decision of the Prosecutor not to proceed if it is based solely on paragraph 1 (c) or 2 (c). In such a case, the decision of the Prosecutor shall be effective only if confirmed by the Pre-Trial Chamber.
4. The Prosecutor may, at any time, reconsider a decision whether to initiate an investigation or prosecution based on new facts or information.

Article 54

Duties and powers of the Prosecutor with respect to investigations

1. The Prosecutor shall:
 - (a) In order to establish the truth, extend the investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility under this Statute, and, in doing so, investigate incriminating and exonerating circumstances equally;
 - (b) Take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court, and in doing so, respect the interests and personal circumstances of victims and witnesses, including age, gender as defined in article 7, paragraph 3, and health, and take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children; and
 - (c) Fully respect the rights of persons arising under this Statute.
2. The Prosecutor may conduct investigations on the territory of a State:
 - (a) In accordance with the provisions of Part 9; or
 - (b) As authorized by the Pre-Trial Chamber under article 57, paragraph 3 (d).
3. The Prosecutor may:
 - (a) Collect and examine evidence;
 - (b) Request the presence of and question persons being investigated, victims and witnesses;
 - (c) Seek the cooperation of any State or intergovernmental organization or arrangement in accordance with its respective competence and/or mandate;
 - (d) Enter into such arrangements or agreements, not inconsistent with this Statute, as may be necessary to facilitate the cooperation of a State, intergovernmental organization or person;
 - (e) Agree not to disclose, at any stage of the proceedings, documents or information that the Prosecutor obtains on the condition of confidentiality and solely for the purpose of generating new evidence, unless the provider of the information consents; and
 - (f) Take necessary measures, or request that necessary measures be taken, to ensure the confidentiality of information, the protection of any person or the preservation of evidence.

Article 55

Rights of persons during an investigation

1. In respect of an investigation under this Statute, a person:
 - (a) Shall not be compelled to incriminate himself or herself or to confess guilt;
 - (b) Shall not be subjected to any form of coercion, duress or threat, to torture or to any other form of cruel, inhuman or degrading treatment or punishment;
 - (c) Shall, if questioned in a language other than a language the person fully understands and speaks, have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness; and

- (d) Shall not be subjected to arbitrary arrest or detention, and shall not be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established in this Statute.
- 2. Where there are grounds to believe that a person has committed a crime within the jurisdiction of the Court and that person is about to be questioned either by the Prosecutor, or by national authorities pursuant to a request made under Part 9, that person shall also have the following rights of which he or she shall be informed prior to being questioned:
 - (a) To be informed, prior to being questioned, that there are grounds to believe that he or she has committed a crime within the jurisdiction of the Court;
 - (b) To remain silent, without such silence being a consideration in the determination of guilt or innocence;
 - (c) To have legal assistance of the person's choosing, or, if the person does not have legal assistance, to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by the person in any such case if the person does not have sufficient means to pay for it; and
 - (d) To be questioned in the presence of counsel unless the person has voluntarily waived his or her right to counsel.

Article 56

Role of the Pre-Trial Chamber in relation to a unique investigative opportunity

- 1.
 - (a) Where the Prosecutor considers an investigation to present a unique opportunity to take testimony or a statement from a witness or to examine, collect or test evidence, which may not be available subsequently for the purposes of a trial, the Prosecutor shall so inform the Pre-Trial Chamber.
 - (b) In that case, the Pre-Trial Chamber may, upon request of the Prosecutor, take such measures as may be necessary to ensure the efficiency and integrity of the proceedings and, in particular, to protect the rights of the defence.
 - (c) Unless the Pre-Trial Chamber orders otherwise, the Prosecutor shall provide the relevant information to the person who has been arrested or appeared in response to a summons in connection with the investigation referred to in subparagraph (a), in order that he or she may be heard on the matter.
- 2. The measures referred to in paragraph 1 (b) may include:
 - (a) Making recommendations or orders regarding procedures to be followed;
 - (b) Directing that a record be made of the proceedings;
 - (c) Appointing an expert to assist;
 - (d) Authorizing counsel for a person who has been arrested, or appeared before the Court in response to a summons, to participate, or where there has not yet been such an arrest or appearance or counsel has not been designated, appointing another counsel to attend and represent the interests of the defence;
 - (e) Naming one of its members or, if necessary, another available judge of the Pre-Trial or Trial Division to observe and make recommendations or orders regarding the collection and preservation of evidence and the questioning of persons;

- (f) Taking such other action as may be necessary to collect or preserve evidence.
- 3.
 - (a) Where the Prosecutor has not sought measures pursuant to this article but the Pre-Trial Chamber considers that such measures are required to preserve evidence that it deems would be essential for the defence at trial, it shall consult with the Prosecutor as to whether there is good reason for the Prosecutor's failure to request the measures. If upon consultation, the Pre-Trial Chamber concludes that the Prosecutor's failure to request such measures is unjustified, the Pre-Trial Chamber may take such measures on its own initiative.
 - (b) A decision of the Pre-Trial Chamber to act on its own initiative under this paragraph may be appealed by the Prosecutor. The appeal shall be heard on an expedited basis.
- 4. The admissibility of evidence preserved or collected for trial pursuant to this article, or the record thereof, shall be governed at trial by article 69, and given such weight as determined by the Trial Chamber.

Article 57

Functions and powers of the Pre-Trial Chamber

- 1. Unless otherwise provided in this Statute, the Pre-Trial Chamber shall exercise its functions in accordance with the provisions of this article.
- 2.
 - (a) Orders or rulings of the Pre-Trial Chamber issued under articles 15, 18, 19, 54, paragraph 2, 61, paragraph 7, and 72 must be concurred in by a majority of its judges.
 - (b) In all other cases, a single judge of the Pre-Trial Chamber may exercise the functions provided for in this Statute, unless otherwise provided for in the Rules of Procedure and Evidence or by a majority of the Pre-Trial Chamber.
- 3. In addition to its other functions under this Statute, the Pre-Trial Chamber may:
 - (a) At the request of the Prosecutor, issue such orders and warrants as may be required for the purposes of an investigation;
 - (b) Upon the request of a person who has been arrested or has appeared pursuant to a summons under article 58, issue such orders, including measures such as those described in article 56, or seek such cooperation pursuant to Part 9 as may be necessary to assist the person in the preparation of his or her defence;
 - (c) Where necessary, provide for the protection and privacy of victims and witnesses, the preservation of evidence, the protection of persons who have been arrested or appeared in response to a summons, and the protection of national security information;
 - (d) Authorize the Prosecutor to take specific investigative steps within the territory of a State Party without having secured the cooperation of that State under Part 9 if, whenever possible having regard to the views of the State concerned, the Pre-Trial Chamber has determined in that case that the State is clearly unable to execute a request for cooperation due to the unavailability of any authority or any component of its judicial system competent to execute the request for cooperation under Part 9;

- (e) Where a warrant of arrest or a summons has been issued under article 58, and having due regard to the strength of the evidence and the rights of the parties concerned, as provided for in this Statute and the Rules of Procedure and Evidence, seek the cooperation of States pursuant to article 93, paragraph 1 (k), to take protective measures for the purpose of forfeiture, in particular for the ultimate benefit of victims.

Article 58

Issuance by the Pre-Trial Chamber of a warrant of arrest or a summons to appear

1. At any time after the initiation of an investigation, the Pre-Trial Chamber shall, on the application of the Prosecutor, issue a warrant of arrest of a person if, having examined the application and the evidence or other information submitted by the Prosecutor, it is satisfied that:
 - (a) There are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court; and
 - (b) The arrest of the person appears necessary:
 - (i) To ensure the person's appearance at trial;
 - (ii) To ensure that the person does not obstruct or endanger the investigation or the court proceedings; or
 - (iii) Where applicable, to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances.
2. The application of the Prosecutor shall contain:
 - (a) The name of the person and any other relevant identifying information;
 - (b) A specific reference to the crimes within the jurisdiction of the Court which the person is alleged to have committed;
 - (c) A concise statement of the facts which are alleged to constitute those crimes;
 - (d) A summary of the evidence and any other information which establish reasonable grounds to believe that the person committed those crimes; and
 - (e) The reason why the Prosecutor believes that the arrest of the person is necessary.
3. The warrant of arrest shall contain:
 - (a) The name of the person and any other relevant identifying information;
 - (b) A specific reference to the crimes within the jurisdiction of the Court for which the person's arrest is sought; and
 - (c) A concise statement of the facts which are alleged to constitute those crimes.
4. The warrant of arrest shall remain in effect until otherwise ordered by the Court.
5. On the basis of the warrant of arrest, the Court may request the provisional arrest or the arrest and surrender of the person under Part 9.

6. The Prosecutor may request the Pre-Trial Chamber to amend the warrant of arrest by modifying or adding to the crimes specified therein. The Pre-Trial Chamber shall so amend the warrant if it is satisfied that there are reasonable grounds to believe that the person committed the modified or additional crimes.
7. As an alternative to seeking a warrant of arrest, the Prosecutor may submit an application requesting that the Pre-Trial Chamber issue a summons for the person to appear. If the Pre-Trial Chamber is satisfied that there are reasonable grounds to believe that the person committed the crime alleged and that a summons is sufficient to ensure the person's appearance, it shall issue the summons, with or without conditions restricting liberty (other than detention) if provided for by national law, for the person to appear. The summons shall contain:
 - (a) The name of the person and any other relevant identifying information;
 - (b) The specified date on which the person is to appear;
 - (c) A specific reference to the crimes within the jurisdiction of the Court which the person is alleged to have committed; and
 - (d) A concise statement of the facts which are alleged to constitute the crime.The summons shall be served on the person.

Article 59

Arrest proceedings in the custodial State

1. A State Party which has received a request for provisional arrest or for arrest and surrender shall immediately take steps to arrest the person in question in accordance with its laws and the provisions of Part 9.
2. A person arrested shall be brought promptly before the competent judicial authority in the custodial State which shall determine, in accordance with the law of that State, that:
 - (a) The warrant applies to that person;
 - (b) The person has been arrested in accordance with the proper process; and
 - (c) The person's rights have been respected.
3. The person arrested shall have the right to apply to the competent authority in the custodial State for interim release pending surrender.
4. In reaching a decision on any such application, the competent authority in the custodial State shall consider whether, given the gravity of the alleged crimes, there are urgent and exceptional circumstances to justify interim release and whether necessary safeguards exist to ensure that the custodial State can fulfil its duty to surrender the person to the Court. It shall not be open to the competent authority of the custodial State to consider whether the warrant of arrest was properly issued in accordance with article 58, paragraph 1 (a) and (b).
5. The Pre-Trial Chamber shall be notified of any request for interim release and shall make recommendations to the competent authority in the custodial State. The competent authority in the custodial State shall give full consideration to such recommendations, including any recommendations on measures to prevent the escape of the person, before rendering its decision.
6. If the person is granted interim release, the Pre-Trial Chamber may request periodic reports on the status of the interim release.

7. Once ordered to be surrendered by the custodial State, the person shall be delivered to the Court as soon as possible.

Article 60

Initial proceedings before the Court

1. Upon the surrender of the person to the Court, or the person's appearance before the Court voluntarily or pursuant to a summons, the Pre-Trial Chamber shall satisfy itself that the person has been informed of the crimes which he or she is alleged to have committed, and of his or her rights under this Statute, including the right to apply for interim release pending trial.
2. A person subject to a warrant of arrest may apply for interim release pending trial. If the Pre-Trial Chamber is satisfied that the conditions set forth in article 58, paragraph 1, are met, the person shall continue to be detained. If it is not so satisfied, the Pre-Trial Chamber shall release the person, with or without conditions.
3. The Pre-Trial Chamber shall periodically review its ruling on the release or detention of the person, and may do so at any time on the request of the Prosecutor or the person. Upon such review, it may modify its ruling as to detention, release or conditions of release, if it is satisfied that changed circumstances so require.
4. The Pre-Trial Chamber shall ensure that a person is not detained for an unreasonable period prior to trial due to inexcusable delay by the Prosecutor. If such delay occurs, the Court shall consider releasing the person, with or without conditions.
5. If necessary, the Pre-Trial Chamber may issue a warrant of arrest to secure the presence of a person who has been released.

Article 61

Confirmation of the charges before trial

1. Subject to the provisions of paragraph 2, within a reasonable time after the person's surrender or voluntary appearance before the Court, the Pre-Trial Chamber shall hold a hearing to confirm the charges on which the Prosecutor intends to seek trial. The hearing shall be held in the presence of the Prosecutor and the person charged, as well as his or her counsel.
2. The Pre-Trial Chamber may, upon request of the Prosecutor or on its own motion, hold a hearing in the absence of the person charged to confirm the charges on which the Prosecutor intends to seek trial when the person has:
 - (a) Waived his or her right to be present; or
 - (b) Fled or cannot be found and all reasonable steps have been taken to secure his or her appearance before the Court and to inform the person of the charges and that a hearing to confirm those charges will be held.In that case, the person shall be represented by counsel where the Pre-Trial Chamber determines that it is in the interests of justice.
3. Within a reasonable time before the hearing, the person shall:
 - (a) Be provided with a copy of the document containing the charges on which the Prosecutor intends to bring the person to trial; and
 - (b) Be informed of the evidence on which the Prosecutor intends to rely at the hearing.

The Pre-Trial Chamber may issue orders regarding the disclosure of information for the purposes of the hearing.

4. Before the hearing, the Prosecutor may continue the investigation and may amend or withdraw any charges. The person shall be given reasonable notice before the hearing of any amendment to or withdrawal of charges. In case of a withdrawal of charges, the Prosecutor shall notify the Pre-Trial Chamber of the reasons for the withdrawal.
5. At the hearing, the Prosecutor shall support each charge with sufficient evidence to establish substantial grounds to believe that the person committed the crime charged. The Prosecutor may rely on documentary or summary evidence and need not call the witnesses expected to testify at the trial.
6. At the hearing, the person may:
 - (a) Object to the charges;
 - (b) Challenge the evidence presented by the Prosecutor; and
 - (c) Present evidence.
7. The Pre-Trial Chamber shall, on the basis of the hearing, determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged. Based on its determination, the Pre-Trial Chamber shall:
 - (a) Confirm those charges in relation to which it has determined that there is sufficient evidence, and commit the person to a Trial Chamber for trial on the charges as confirmed;
 - (b) Decline to confirm those charges in relation to which it has determined that there is insufficient evidence;
 - (c) Adjourn the hearing and request the Prosecutor to consider:
 - (i) Providing further evidence or conducting further investigation with respect to a particular charge; or
 - (ii) Amending a charge because the evidence submitted appears to establish a different crime within the jurisdiction of the Court.
8. Where the Pre-Trial Chamber declines to confirm a charge, the Prosecutor shall not be precluded from subsequently requesting its confirmation if the request is supported by additional evidence.
9. After the charges are confirmed and before the trial has begun, the Prosecutor may, with the permission of the Pre-Trial Chamber and after notice to the accused, amend the charges. If the Prosecutor seeks to add additional charges or to substitute more serious charges, a hearing under this article to confirm those charges must be held. After commencement of the trial, the Prosecutor may, with the permission of the Trial Chamber, withdraw the charges.
10. Any warrant previously issued shall cease to have effect with respect to any charges which have not been confirmed by the Pre-Trial Chamber or which have been withdrawn by the Prosecutor.
11. Once the charges have been confirmed in accordance with this article, the Presidency shall constitute a Trial Chamber which, subject to paragraph 9 and to article 64, paragraph 4, shall be responsible for the conduct of subsequent proceedings and may exercise any function of the Pre-Trial Chamber that is relevant and capable of application in those proceedings.

PART 6. THE TRIAL

Article 62

Place of trial

Unless otherwise decided, the place of the trial shall be the seat of the Court.

Article 63

Trial in the presence of the accused

1. The accused shall be present during the trial.
2. If the accused, being present before the Court, continues to disrupt the trial, the Trial Chamber may remove the accused and shall make provision for him or her to observe the trial and instruct counsel from outside the courtroom, through the use of communications technology, if required. Such measures shall be taken only in exceptional circumstances after other reasonable alternatives have proved inadequate, and only for such duration as is strictly required.

Article 64

Functions and powers of the Trial Chamber

1. The functions and powers of the Trial Chamber set out in this article shall be exercised in accordance with this Statute and the Rules of Procedure and Evidence.
2. The Trial Chamber shall ensure that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.
3. Upon assignment of a case for trial in accordance with this Statute, the Trial Chamber assigned to deal with the case shall:
 - (a) Confer with the parties and adopt such procedures as are necessary to facilitate the fair and expeditious conduct of the proceedings;
 - (b) Determine the language or languages to be used at trial; and
 - (c) Subject to any other relevant provisions of this Statute, provide for disclosure of documents or information not previously disclosed, sufficiently in advance of the commencement of the trial to enable adequate preparation for trial.
4. The Trial Chamber may, if necessary for its effective and fair functioning, refer preliminary issues to the Pre-Trial Chamber or, if necessary, to another available judge of the Pre-Trial Division.
5. Upon notice to the parties, the Trial Chamber may, as appropriate, direct that there be joinder or severance in respect of charges against more than one accused.
6. In performing its functions prior to trial or during the course of a trial, the Trial Chamber may, as necessary:
 - (a) Exercise any functions of the Pre-Trial Chamber referred to in article 61, paragraph 11;
 - (b) Require the attendance and testimony of witnesses and production of documents and other evidence by obtaining, if necessary, the assistance of States as provided in this Statute;

- (c) Provide for the protection of confidential information;
 - (d) Order the production of evidence in addition to that already collected prior to the trial or presented during the trial by the parties;
 - (e) Provide for the protection of the accused, witnesses and victims; and
 - (f) Rule on any other relevant matters.
- 7. The trial shall be held in public. The Trial Chamber may, however, determine that special circumstances require that certain proceedings be in closed session for the purposes set forth in article 68, or to protect confidential or sensitive information to be given in evidence.
- 8.
 - (a) At the commencement of the trial, the Trial Chamber shall have read to the accused the charges previously confirmed by the Pre-Trial Chamber. The Trial Chamber shall satisfy itself that the accused understands the nature of the charges. It shall afford him or her the opportunity to make an admission of guilt in accordance with article 65 or to plead not guilty.
 - (b) At the trial, the presiding judge may give directions for the conduct of proceedings, including to ensure that they are conducted in a fair and impartial manner. Subject to any directions of the presiding judge, the parties may submit evidence in accordance with the provisions of this Statute.
- 9. The Trial Chamber shall have, *inter alia*, the power on application of a party or on its own motion to:
 - (a) Rule on the admissibility or relevance of evidence; and
 - (b) Take all necessary steps to maintain order in the course of a hearing.
- 10. The Trial Chamber shall ensure that a complete record of the trial, which accurately reflects the proceedings, is made and that it is maintained and preserved by the Registrar.

Article 65

Proceedings on an admission of guilt

- 1. Where the accused makes an admission of guilt pursuant to article 64, paragraph 8 (a), the Trial Chamber shall determine whether:
 - (a) The accused understands the nature and consequences of the admission of guilt;
 - (b) The admission is voluntarily made by the accused after sufficient consultation with defence counsel; and
 - (c) The admission of guilt is supported by the facts of the case that are contained in:
 - (i) The charges brought by the Prosecutor and admitted by the accused;
 - (ii) Any materials presented by the Prosecutor which supplement the charges and which the accused accepts; and
 - (iii) Any other evidence, such as the testimony of witnesses, presented by the Prosecutor or the accused.

2. Where the Trial Chamber is satisfied that the matters referred to in paragraph 1 are established, it shall consider the admission of guilt, together with any additional evidence presented, as establishing all the essential facts that are required to prove the crime to which the admission of guilt relates, and may convict the accused of that crime.
3. Where the Trial Chamber is not satisfied that the matters referred to in paragraph 1 are established, it shall consider the admission of guilt as not having been made, in which case it shall order that the trial be continued under the ordinary trial procedures provided by this Statute and may remit the case to another Trial Chamber.
4. Where the Trial Chamber is of the opinion that a more complete presentation of the facts of the case is required in the interests of justice, in particular the interests of the victims, the Trial Chamber may:
 - (a) Request the Prosecutor to present additional evidence, including the testimony of witnesses; or
 - (b) Order that the trial be continued under the ordinary trial procedures provided by this Statute, in which case it shall consider the admission of guilt as not having been made and may remit the case to another Trial Chamber.
5. Any discussions between the Prosecutor and the defence regarding modification of the charges, the admission of guilt or the penalty to be imposed shall not be binding on the Court.

Article 66

Presumption of innocence

1. Everyone shall be presumed innocent until proved guilty before the Court in accordance with the applicable law.
2. The onus is on the Prosecutor to prove the guilt of the accused.
3. In order to convict the accused, the Court must be convinced of the guilt of the accused beyond reasonable doubt.

Article 67

Rights of the accused

1. In the determination of any charge, the accused shall be entitled to a public hearing, having regard to the provisions of this Statute, to a fair hearing conducted impartially, and to the following minimum guarantees, in full equality:
 - (a) To be informed promptly and in detail of the nature, cause and content of the charge, in a language which the accused fully understands and speaks;
 - (b) To have adequate time and facilities for the preparation of the defence and to communicate freely with counsel of the accused's choosing in confidence;
 - (c) To be tried without undue delay;
 - (d) Subject to article 63, paragraph 2, to be present at the trial, to conduct the defence in person or through legal assistance of the accused's choosing, to be informed, if the accused does not have legal assistance, of this right and to have legal assistance assigned by the Court in any case where the interests of justice so require, and without payment if the accused lacks sufficient means to pay for it;

- (e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her. The accused shall also be entitled to raise defences and to present other evidence admissible under this Statute;
 - (f) To have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness, if any of the proceedings or documents presented to the Court are not in a language which the accused fully understands and speaks;
 - (g) Not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence;
 - (h) To make an unsworn oral or written statement in his or her defence; and
 - (i) Not to have imposed on him or her any reversal of the burden of proof or any onus of rebuttal.
2. In addition to any other disclosure provided for in this Statute, the Prosecutor shall, as soon as practicable, disclose to the defence evidence in the Prosecutor's possession or control which he or she believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused, or which may affect the credibility of prosecution evidence. In case of doubt as to the application of this paragraph, the Court shall decide.

Article 68

Protection of the victims and witnesses and their participation in the proceedings

1. The Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. In so doing, the Court shall have regard to all relevant factors, including age, gender as defined in article 7, paragraph 3, and health, and the nature of the crime, in particular, but not limited to, where the crime involves sexual or gender violence or violence against children. The Prosecutor shall take such measures particularly during the investigation and prosecution of such crimes. These measures shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.
2. As an exception to the principle of public hearings provided for in article 67, the Chambers of the Court may, to protect victims and witnesses or an accused, conduct any part of the proceedings in camera or allow the presentation of evidence by electronic or other special means. In particular, such measures shall be implemented in the case of a victim of sexual violence or a child who is a victim or a witness, unless otherwise ordered by the Court, having regard to all the circumstances, particularly the views of the victim or witness.
3. Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence.
4. The Victims and Witnesses Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counselling and assistance as referred to in article 43, paragraph 6.

5. Where the disclosure of evidence or information pursuant to this Statute may lead to the grave endangerment of the security of a witness or his or her family, the Prosecutor may, for the purposes of any proceedings conducted prior to the commencement of the trial, withhold such evidence or information and instead submit a summary thereof. Such measures shall be exercised in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.
6. A State may make an application for necessary measures to be taken in respect of the protection of its servants or agents and the protection of confidential or sensitive information.

Article 69

Evidence

1. Before testifying, each witness shall, in accordance with the Rules of Procedure and Evidence, give an undertaking as to the truthfulness of the evidence to be given by that witness.
2. The testimony of a witness at trial shall be given in person, except to the extent provided by the measures set forth in article 68 or in the Rules of Procedure and Evidence. The Court may also permit the giving of *viva voce* (oral) or recorded testimony of a witness by means of video or audio technology, as well as the introduction of documents or written transcripts, subject to this Statute and in accordance with the Rules of Procedure and Evidence. These measures shall not be prejudicial to or inconsistent with the rights of the accused.
3. The parties may submit evidence relevant to the case, in accordance with article 64. The Court shall have the authority to request the submission of all evidence that it considers necessary for the determination of the truth.
4. The Court may rule on the relevance or admissibility of any evidence, taking into account, *inter alia*, the probative value of the evidence and any prejudice that such evidence may cause to a fair trial or to a fair evaluation of the testimony of a witness, in accordance with the Rules of Procedure and Evidence.
5. The Court shall respect and observe privileges on confidentiality as provided for in the Rules of Procedure and Evidence.
6. The Court shall not require proof of facts of common knowledge but may take judicial notice of them.
7. Evidence obtained by means of a violation of this Statute or internationally recognized human rights shall not be admissible if:
 - (a) The violation casts substantial doubt on the reliability of the evidence; or
 - (b) The admission of the evidence would be antithetical to and would seriously damage the integrity of the proceedings.
8. When deciding on the relevance or admissibility of evidence collected by a State, the Court shall not rule on the application of the State's national law.

Article 70

Offences against the administration of justice

1. The Court shall have jurisdiction over the following offences against its administration of justice when committed intentionally:
 - (a) Giving false testimony when under an obligation pursuant to article 69, paragraph 1, to tell the truth;
 - (b) Presenting evidence that the party knows is false or forged;
 - (c) Corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence;
 - (d) Impeding, intimidating or corruptly influencing an official of the Court for the purpose of forcing or persuading the official not to perform, or to perform improperly, his or her duties;
 - (e) Retaliating against an official of the Court on account of duties performed by that or another official;
 - (f) Soliciting or accepting a bribe as an official of the Court in connection with his or her official duties.
2. The principles and procedures governing the Court's exercise of jurisdiction over offences under this article shall be those provided for in the Rules of Procedure and Evidence. The conditions for providing international cooperation to the Court with respect to its proceedings under this article shall be governed by the domestic laws of the requested State.
3. In the event of conviction, the Court may impose a term of imprisonment not exceeding five years, or a fine in accordance with the Rules of Procedure and Evidence, or both.
4.
 - (a) Each State Party shall extend its criminal laws penalizing offences against the integrity of its own investigative or judicial process to offences against the administration of justice referred to in this article, committed on its territory, or by one of its nationals;
 - (b) Upon request by the Court, whenever it deems it proper, the State Party shall submit the case to its competent authorities for the purpose of prosecution. Those authorities shall treat such cases with diligence and devote sufficient resources to enable them to be conducted effectively.

Article 71

Sanctions for misconduct before the Court

1. The Court may sanction persons present before it who commit misconduct, including disruption of its proceedings or deliberate refusal to comply with its directions, by administrative measures other than imprisonment, such as temporary or permanent removal from the courtroom, a fine or other similar measures provided for in the Rules of Procedure and Evidence.
2. The procedures governing the imposition of the measures set forth in paragraph 1 shall be those provided for in the Rules of Procedure and Evidence.

Article 72

Protection of national security information

1. This article applies in any case where the disclosure of the information or documents of a State would, in the opinion of that State, prejudice its national security interests. Such cases include those falling within the scope of article 56, paragraphs 2 and 3, article 61, paragraph 3, article 64, paragraph 3, article 67, paragraph 2, article 68, paragraph 6, article 87, paragraph 6 and article 93, as well as cases arising at any other stage of the proceedings where such disclosure may be at issue.
2. This article shall also apply when a person who has been requested to give information or evidence has refused to do so or has referred the matter to the State on the ground that disclosure would prejudice the national security interests of a State and the State concerned confirms that it is of the opinion that disclosure would prejudice its national security interests.
3. Nothing in this article shall prejudice the requirements of confidentiality applicable under article 54, paragraph 3 (e) and (f), or the application of article 73.
4. If a State learns that information or documents of the State are being, or are likely to be, disclosed at any stage of the proceedings, and it is of the opinion that disclosure would prejudice its national security interests, that State shall have the right to intervene in order to obtain resolution of the issue in accordance with this article.
5. If, in the opinion of a State, disclosure of information would prejudice its national security interests, all reasonable steps will be taken by the State, acting in conjunction with the Prosecutor, the defence or the Pre-Trial Chamber or Trial Chamber, as the case may be, to seek to resolve the matter by cooperative means. Such steps may include:
 - (a) Modification or clarification of the request;
 - (b) A determination by the Court regarding the relevance of the information or evidence sought, or a determination as to whether the evidence, though relevant, could be or has been obtained from a source other than the requested State;
 - (c) Obtaining the information or evidence from a different source or in a different form; or
 - (d) Agreement on conditions under which the assistance could be provided including, among other things, providing summaries or redactions, limitations on disclosure, use of in camera or *ex parte* proceedings, or other protective measures permissible under the Statute and the Rules of Procedure and Evidence.
6. Once all reasonable steps have been taken to resolve the matter through cooperative means, and if the State considers that there are no means or conditions under which the information or documents could be provided or disclosed without prejudice to its national security interests, it shall so notify the Prosecutor or the Court of the specific reasons for its decision, unless a specific description of the reasons would itself necessarily result in such prejudice to the State's national security interests.
7. Thereafter, if the Court determines that the evidence is relevant and necessary for the establishment of the guilt or innocence of the accused, the Court may undertake the following actions:

- (a) Where disclosure of the information or document is sought pursuant to a request for cooperation under Part 9 or the circumstances described in paragraph 2, and the State has invoked the ground for refusal referred to in article 93, paragraph 4:
 - (i) The Court may, before making any conclusion referred to in subparagraph 7 (a) (ii), request further consultations for the purpose of considering the State's representations, which may include, as appropriate, hearings in camera and *ex parte*;
 - (ii) If the Court concludes that, by invoking the ground for refusal under article 93, paragraph 4, in the circumstances of the case, the requested State is not acting in accordance with its obligations under this Statute, the Court may refer the matter in accordance with article 87, paragraph 7, specifying the reasons for its conclusion; and
 - (iii) The Court may make such inference in the trial of the accused as to the existence or non-existence of a fact, as may be appropriate in the circumstances; or
- (b) In all other circumstances:
 - (i) Order disclosure; or
 - (ii) To the extent it does not order disclosure, make such inference in the trial of the accused as to the existence or non-existence of a fact, as may be appropriate in the circumstances.

Article 73

Third-party information or documents

If a State Party is requested by the Court to provide a document or information in its custody, possession or control, which was disclosed to it in confidence by a State, intergovernmental organization or international organization, it shall seek the consent of the originator to disclose that document or information. If the originator is a State Party, it shall either consent to disclosure of the information or document or undertake to resolve the issue of disclosure with the Court, subject to the provisions of article 72. If the originator is not a State Party and refuses to consent to disclosure, the requested State shall inform the Court that it is unable to provide the document or information because of a pre-existing obligation of confidentiality to the originator.

Article 74

Requirements for the decision

1. All the judges of the Trial Chamber shall be present at each stage of the trial and throughout their deliberations. The Presidency may, on a case-by-case basis, designate, as available, one or more alternate judges to be present at each stage of the trial and to replace a member of the Trial Chamber if that member is unable to continue attending.
2. The Trial Chamber's decision shall be based on its evaluation of the evidence and the entire proceedings. The decision shall not exceed the facts and circumstances described in the charges and any amendments to the charges. The Court may base its decision only on evidence submitted and discussed before it at the trial.
3. The judges shall attempt to achieve unanimity in their decision, failing which the decision shall be taken by a majority of the judges.

4. The deliberations of the Trial Chamber shall remain secret.
5. The decision shall be in writing and shall contain a full and reasoned statement of the Trial Chamber's findings on the evidence and conclusions. The Trial Chamber shall issue one decision. When there is no unanimity, the Trial Chamber's decision shall contain the views of the majority and the minority. The decision or a summary thereof shall be delivered in open court.

Article 75

Reparations to victims

1. The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation. On this basis, in its decision the Court may, either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims and will state the principles on which it is acting.
2. The Court may make an order directly against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.

Where appropriate, the Court may order that the award for reparations be made through the Trust Fund provided for in article 79.
3. Before making an order under this article, the Court may invite and shall take account of representations from or on behalf of the convicted person, victims, other interested persons or interested States.
4. In exercising its power under this article, the Court may, after a person is convicted of a crime within the jurisdiction of the Court, determine whether, in order to give effect to an order which it may make under this article, it is necessary to seek measures under article 93, paragraph 1.
5. A State Party shall give effect to a decision under this article as if the provisions of article 109 were applicable to this article.
6. Nothing in this article shall be interpreted as prejudicing the rights of victims under national or international law.

Article 76

Sentencing

1. In the event of a conviction, the Trial Chamber shall consider the appropriate sentence to be imposed and shall take into account the evidence presented and submissions made during the trial that are relevant to the sentence.
2. Except where article 65 applies and before the completion of the trial, the Trial Chamber may on its own motion and shall, at the request of the Prosecutor or the accused, hold a further hearing to hear any additional evidence or submissions relevant to the sentence, in accordance with the Rules of Procedure and Evidence.
3. Where paragraph 2 applies, any representations under article 75 shall be heard during the further hearing referred to in paragraph 2 and, if necessary, during any additional hearing.
4. The sentence shall be pronounced in public and, wherever possible, in the presence of the accused.

PART 7. PENALTIES

Article 77

Applicable penalties

1. Subject to article 110, the Court may impose one of the following penalties on a person convicted of a crime referred to in article 5 of this Statute:
 - (a) Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or
 - (b) A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.
2. In addition to imprisonment, the Court may order:
 - (a) A fine under the criteria provided for in the Rules of Procedure and Evidence;
 - (b) A forfeiture of proceeds, property and assets derived directly or indirectly from that crime, without prejudice to the rights of bona fide third parties.

Article 78

Determination of the sentence

1. In determining the sentence, the Court shall, in accordance with the Rules of Procedure and Evidence, take into account such factors as the gravity of the crime and the individual circumstances of the convicted person.
2. In imposing a sentence of imprisonment, the Court shall deduct the time, if any, previously spent in detention in accordance with an order of the Court. The Court may deduct any time otherwise spent in detention in connection with conduct underlying the crime.
3. When a person has been convicted of more than one crime, the Court shall pronounce a sentence for each crime and a joint sentence specifying the total period of imprisonment. This period shall be no less than the highest individual sentence pronounced and shall not exceed 30 years imprisonment or a sentence of life imprisonment in conformity with article 77, paragraph 1 (b).

Article 79

Trust Fund

1. A Trust Fund shall be established by decision of the Assembly of States Parties for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.
2. The Court may order money and other property collected through fines or forfeiture to be transferred, by order of the Court, to the Trust Fund.
3. The Trust Fund shall be managed according to criteria to be determined by the Assembly of States Parties.

Article 80

Non-prejudice to national application of penalties and national laws

Nothing in this Part affects the application by States of penalties prescribed by their national law, nor the law of States which do not provide for penalties prescribed in this Part.

PART 8. APPEAL AND REVISION

Article 81

Appeal against decision of acquittal or conviction or against sentence

1. A decision under article 74 may be appealed in accordance with the Rules of Procedure and Evidence as follows:
 - (a) The Prosecutor may make an appeal on any of the following grounds:
 - (i) Procedural error,
 - (ii) Error of fact, or
 - (iii) Error of law;
 - (b) The convicted person, or the Prosecutor on that person's behalf, may make an appeal on any of the following grounds:
 - (i) Procedural error,
 - (ii) Error of fact,
 - (iii) Error of law, or
 - (iv) Any other ground that affects the fairness or reliability of the proceedings or decision.
2.
 - (a) A sentence may be appealed, in accordance with the Rules of Procedure and Evidence, by the Prosecutor or the convicted person on the ground of disproportion between the crime and the sentence;
 - (b) If on an appeal against sentence the Court considers that there are grounds on which the conviction might be set aside, wholly or in part, it may invite the Prosecutor and the convicted person to submit grounds under article 81, paragraph 1 (a) or (b), and may render a decision on conviction in accordance with article 83;
 - (c) The same procedure applies when the Court, on an appeal against conviction only, considers that there are grounds to reduce the sentence under paragraph 2 (a).
3.
 - (a) Unless the Trial Chamber orders otherwise, a convicted person shall remain in custody pending an appeal;
 - (b) When a convicted person's time in custody exceeds the sentence of imprisonment imposed, that person shall be released, except that if the Prosecutor is also appealing, the release may be subject to the conditions under subparagraph (c) below;
 - (c) In case of an acquittal, the accused shall be released immediately, subject to the following:
 - (i) Under exceptional circumstances, and having regard, *inter alia*, to the concrete risk of flight, the seriousness of the offence charged and the probability of success on appeal, the Trial Chamber, at the request of the Prosecutor, may maintain the detention of the person pending appeal;
 - (ii) A decision by the Trial Chamber under subparagraph (c) (i) may be appealed in accordance with the Rules of Procedure and Evidence.

4. Subject to the provisions of paragraph 3 (a) and (b), execution of the decision or sentence shall be suspended during the period allowed for appeal and for the duration of the appeal proceedings.

Article 82

Appeal against other decisions

1. Either party may appeal any of the following decisions in accordance with the Rules of Procedure and Evidence:
 - (a) A decision with respect to jurisdiction or admissibility;
 - (b) A decision granting or denying release of the person being investigated or prosecuted;
 - (c) A decision of the Pre-Trial Chamber to act on its own initiative under article 56, paragraph 3;
 - (d) A decision that involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Pre-Trial or Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings.
2. A decision of the Pre-Trial Chamber under article 57, paragraph 3 (d), may be appealed against by the State concerned or by the Prosecutor, with the leave of the Pre-Trial Chamber. The appeal shall be heard on an expedited basis.
3. An appeal shall not of itself have suspensive effect unless the Appeals Chamber so orders, upon request, in accordance with the Rules of Procedure and Evidence.
4. A legal representative of the victims, the convicted person or a bona fide owner of property adversely affected by an order under article 75 may appeal against the order for reparations, as provided in the Rules of Procedure and Evidence.

Article 83

Proceedings on appeal

1. For the purposes of proceedings under article 81 and this article, the Appeals Chamber shall have all the powers of the Trial Chamber.
2. If the Appeals Chamber finds that the proceedings appealed from were unfair in a way that affected the reliability of the decision or sentence, or that the decision or sentence appealed from was materially affected by error of fact or law or procedural error, it may:
 - (a) Reverse or amend the decision or sentence; or
 - (b) Order a new trial before a different Trial Chamber.

For these purposes, the Appeals Chamber may remand a factual issue to the original Trial Chamber for it to determine the issue and to report back accordingly, or may itself call evidence to determine the issue. When the decision or sentence has been appealed only by the person convicted, or the Prosecutor on that person's behalf, it cannot be amended to his or her detriment.
3. If in an appeal against sentence the Appeals Chamber finds that the sentence is disproportionate to the crime, it may vary the sentence in accordance with Part 7.

4. The judgement of the Appeals Chamber shall be taken by a majority of the judges and shall be delivered in open court. The judgement shall state the reasons on which it is based. When there is no unanimity, the judgement of the Appeals Chamber shall contain the views of the majority and the minority, but a judge may deliver a separate or dissenting opinion on a question of law.
5. The Appeals Chamber may deliver its judgement in the absence of the person acquitted or convicted.

Article 84

Revision of conviction or sentence

1. The convicted person or, after death, spouses, children, parents or one person alive at the time of the accused's death who has been given express written instructions from the accused to bring such a claim, or the Prosecutor on the person's behalf, may apply to the Appeals Chamber to revise the final judgement of conviction or sentence on the grounds that:
 - (a) New evidence has been discovered that:
 - (i) Was not available at the time of trial, and such unavailability was not wholly or partially attributable to the party making application; and
 - (ii) Is sufficiently important that had it been proved at trial it would have been likely to have resulted in a different verdict;
 - (b) It has been newly discovered that decisive evidence, taken into account at trial and upon which the conviction depends, was false, forged or falsified;
 - (c) One or more of the judges who participated in conviction or confirmation of the charges has committed, in that case, an act of serious misconduct or serious breach of duty of sufficient gravity to justify the removal of that judge or those judges from office under article 46.
2. The Appeals Chamber shall reject the application if it considers it to be unfounded. If it determines that the application is meritorious, it may, as appropriate:
 - (a) Reconvene the original Trial Chamber;
 - (b) Constitute a new Trial Chamber; or
 - (c) Retain jurisdiction over the matter,

with a view to, after hearing the parties in the manner set forth in the Rules of Procedure and Evidence, arriving at a determination on whether the judgement should be revised.

Article 85

Compensation to an arrested or convicted person

1. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.
2. When a person has by a final decision been convicted of a criminal offence, and when subsequently his or her conviction has been reversed on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him or her.

3. In exceptional circumstances, where the Court finds conclusive facts showing that there has been a grave and manifest miscarriage of justice, it may in its discretion award compensation, according to the criteria provided in the Rules of Procedure and Evidence, to a person who has been released from detention following a final decision of acquittal or a termination of the proceedings for that reason.

PART 9. INTERNATIONAL COOPERATION AND JUDICIAL ASSISTANCE

Article 86

General obligation to cooperate

States Parties shall, in accordance with the provisions of this Statute, cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.

Article 87

Requests for cooperation: general provisions

1. (a) The Court shall have the authority to make requests to States Parties for cooperation. The requests shall be transmitted through the diplomatic channel or any other appropriate channel as may be designated by each State Party upon ratification, acceptance, approval or accession.

Subsequent changes to the designation shall be made by each State Party in accordance with the Rules of Procedure and Evidence.
- (b) When appropriate, without prejudice to the provisions of subparagraph (a), requests may also be transmitted through the International Criminal Police Organization or any appropriate regional organization.
2. Requests for cooperation and any documents supporting the request shall either be in or be accompanied by a translation into an official language of the requested State or one of the working languages of the Court, in accordance with the choice made by that State upon ratification, acceptance, approval or accession.

Subsequent changes to this choice shall be made in accordance with the Rules of Procedure and Evidence.
3. The requested State shall keep confidential a request for cooperation and any documents supporting the request, except to the extent that the disclosure is necessary for execution of the request.
4. In relation to any request for assistance presented under this Part, the Court may take such measures, including measures related to the protection of information, as may be necessary to ensure the safety or physical or psychological well-being of any victims, potential witnesses and their families. The Court may request that any information that is made available under this Part shall be provided and handled in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families.
5. (a) The Court may invite any State not party to this Statute to provide assistance under this Part on the basis of an ad hoc arrangement, an agreement with such State or any other appropriate basis.
- (b) Where a State not party to this Statute, which has entered into an ad hoc arrangement or an agreement with the Court, fails to cooperate with requests pursuant to any such arrangement or agreement, the Court may so inform the Assembly of States Parties or, where the Security Council referred the matter to the Court, the Security Council.
6. The Court may ask any intergovernmental organization to provide information or documents. The Court may also ask for other forms of cooperation and assistance which may be agreed upon with such an organization and which are in accordance with its competence or mandate.

7. Where a State Party fails to comply with a request to cooperate by the Court contrary to the provisions of this Statute, thereby preventing the Court from exercising its functions and powers under this Statute, the Court may make a finding to that effect and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council.

Article 88

Availability of procedures under national law

States Parties shall ensure that there are procedures available under their national law for all of the forms of cooperation which are specified under this Part.

Article 89

Surrender of persons to the Court

1. The Court may transmit a request for the arrest and surrender of a person, together with the material supporting the request outlined in article 91, to any State on the territory of which that person may be found and shall request the cooperation of that State in the arrest and surrender of such a person. States Parties shall, in accordance with the provisions of this Part and the procedure under their national law, comply with requests for arrest and surrender.
2. Where the person sought for surrender brings a challenge before a national court on the basis of the principle of *ne bis in idem* as provided in article 20, the requested State shall immediately consult with the Court to determine if there has been a relevant ruling on admissibility. If the case is admissible, the requested State shall proceed with the execution of the request. If an admissibility ruling is pending, the requested State may postpone the execution of the request for surrender of the person until the Court makes a determination on admissibility.
3.
 - (a) A State Party shall authorize, in accordance with its national procedural law, transportation through its territory of a person being surrendered to the Court by another State, except where transit through that State would impede or delay the surrender.
 - (b) A request by the Court for transit shall be transmitted in accordance with article 87. The request for transit shall contain:
 - (i) A description of the person being transported;
 - (ii) A brief statement of the facts of the case and their legal characterization; and
 - (iii) The warrant for arrest and surrender;
 - (c) A person being transported shall be detained in custody during the period of transit;
 - (d) No authorization is required if the person is transported by air and no landing is scheduled on the territory of the transit State;
 - (e) If an unscheduled landing occurs on the territory of the transit State, that State may require a request for transit from the Court as provided for in subparagraph (b). The transit State shall detain the person being transported until the request for transit is received and the transit is effected, provided that detention for purposes of this subparagraph may not be extended beyond 96 hours from the unscheduled landing unless the request is received within that time.

4. If the person sought is being proceeded against or is serving a sentence in the requested State for a crime different from that for which surrender to the Court is sought, the requested State, after making its decision to grant the request, shall consult with the Court.

Article 90

Competing requests

1. A State Party which receives a request from the Court for the surrender of a person under article 89 shall, if it also receives a request from any other State for the extradition of the same person for the same conduct which forms the basis of the crime for which the Court seeks the person's surrender, notify the Court and the requesting State of that fact.
2. Where the requesting State is a State Party, the requested State shall give priority to the request from the Court if:
 - (a) The Court has, pursuant to article 18 or 19, made a determination that the case in respect of which surrender is sought is admissible and that determination takes into account the investigation or prosecution conducted by the requesting State in respect of its request for extradition; or
 - (b) The Court makes the determination described in subparagraph (a) pursuant to the requested State's notification under paragraph 1.
3. Where a determination under paragraph 2 (a) has not been made, the requested State may, at its discretion, pending the determination of the Court under paragraph 2 (b), proceed to deal with the request for extradition from the requesting State but shall not extradite the person until the Court has determined that the case is inadmissible. The Court's determination shall be made on an expedited basis.
4. If the requesting State is a State not Party to this Statute the requested State, if it is not under an international obligation to extradite the person to the requesting State, shall give priority to the request for surrender from the Court, if the Court has determined that the case is admissible.
5. Where a case under paragraph 4 has not been determined to be admissible by the Court, the requested State may, at its discretion, proceed to deal with the request for extradition from the requesting State.
6. In cases where paragraph 4 applies except that the requested State is under an existing international obligation to extradite the person to the requesting State not Party to this Statute, the requested State shall determine whether to surrender the person to the Court or extradite the person to the requesting State. In making its decision, the requested State shall consider all the relevant factors, including but not limited to:
 - (a) The respective dates of the requests;
 - (b) The interests of the requesting State including, where relevant, whether the crime was committed in its territory and the nationality of the victims and of the person sought; and
 - (c) The possibility of subsequent surrender between the Court and the requesting State.
7. Where a State Party which receives a request from the Court for the surrender of a person also receives a request from any State for the extradition of the same person for conduct other than that which constitutes the crime for which the Court seeks the person's surrender:

- (a) The requested State shall, if it is not under an existing international obligation to extradite the person to the requesting State, give priority to the request from the Court;
 - (b) The requested State shall, if it is under an existing international obligation to extradite the person to the requesting State, determine whether to surrender the person to the Court or to extradite the person to the requesting State. In making its decision, the requested State shall consider all the relevant factors, including but not limited to those set out in paragraph 6, but shall give special consideration to the relative nature and gravity of the conduct in question.
8. Where pursuant to a notification under this article, the Court has determined a case to be inadmissible, and subsequently extradition to the requesting State is refused, the requested State shall notify the Court of this decision.

Article 91

Contents of request for arrest and surrender

1. A request for arrest and surrender shall be made in writing. In urgent cases, a request may be made by any medium capable of delivering a written record, provided that the request shall be confirmed through the channel provided for in article 87, paragraph 1 (a).
2. In the case of a request for the arrest and surrender of a person for whom a warrant of arrest has been issued by the Pre-Trial Chamber under article 58, the request shall contain or be supported by:
 - (a) Information describing the person sought, sufficient to identify the person, and information as to that person's probable location;
 - (b) A copy of the warrant of arrest; and
 - (c) Such documents, statements or information as may be necessary to meet the requirements for the surrender process in the requested State, except that those requirements should not be more burdensome than those applicable to requests for extradition pursuant to treaties or arrangements between the requested State and other States and should, if possible, be less burdensome, taking into account the distinct nature of the Court.
3. In the case of a request for the arrest and surrender of a person already convicted, the request shall contain or be supported by:
 - (a) A copy of any warrant of arrest for that person;
 - (b) A copy of the judgement of conviction;
 - (c) Information to demonstrate that the person sought is the one referred to in the judgement of conviction; and
 - (d) If the person sought has been sentenced, a copy of the sentence imposed and, in the case of a sentence for imprisonment, a statement of any time already served and the time remaining to be served.
4. Upon the request of the Court, a State Party shall consult with the Court, either generally or with respect to a specific matter, regarding any requirements under its national law that may apply under paragraph 2 (c). During the consultations, the State Party shall advise the Court of the specific requirements of its national law.

Article 92

Provisional arrest

1. In urgent cases, the Court may request the provisional arrest of the person sought, pending presentation of the request for surrender and the documents supporting the request as specified in article 91.
2. The request for provisional arrest shall be made by any medium capable of delivering a written record and shall contain:
 - (a) Information describing the person sought, sufficient to identify the person, and information as to that person's probable location;
 - (b) A concise statement of the crimes for which the person's arrest is sought and of the facts which are alleged to constitute those crimes, including, where possible, the date and location of the crime;
 - (c) A statement of the existence of a warrant of arrest or a judgement of conviction against the person sought; and
 - (d) A statement that a request for surrender of the person sought will follow.
3. A person who is provisionally arrested may be released from custody if the requested State has not received the request for surrender and the documents supporting the request as specified in article 91 within the time limits specified in the Rules of Procedure and Evidence. However, the person may consent to surrender before the expiration of this period if permitted by the law of the requested State. In such a case, the requested State shall proceed to surrender the person to the Court as soon as possible.
4. The fact that the person sought has been released from custody pursuant to paragraph 3 shall not prejudice the subsequent arrest and surrender of that person if the request for surrender and the documents supporting the request are delivered at a later date.

Article 93

Other forms of cooperation

1. States Parties shall, in accordance with the provisions of this Part and under procedures of national law, comply with requests by the Court to provide the following assistance in relation to investigations or prosecutions:
 - (a) The identification and whereabouts of persons or the location of items;
 - (b) The taking of evidence, including testimony under oath, and the production of evidence, including expert opinions and reports necessary to the Court;
 - (c) The questioning of any person being investigated or prosecuted;
 - (d) The service of documents, including judicial documents;
 - (e) Facilitating the voluntary appearance of persons as witnesses or experts before the Court;
 - (f) The temporary transfer of persons as provided in paragraph 7;
 - (g) The examination of places or sites, including the exhumation and examination of grave sites;
 - (h) The execution of searches and seizures;

- (i) The provision of records and documents, including official records and documents;
 - (j) The protection of victims and witnesses and the preservation of evidence;
 - (k) The identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes for the purpose of eventual forfeiture, without prejudice to the rights of bona fide third parties; and
 - (l) Any other type of assistance which is not prohibited by the law of the requested State, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the Court.
- 2. The Court shall have the authority to provide an assurance to a witness or an expert appearing before the Court that he or she will not be prosecuted, detained or subjected to any restriction of personal freedom by the Court in respect of any act or omission that preceded the departure of that person from the requested State.
- 3. Where execution of a particular measure of assistance detailed in a request presented under paragraph 1, is prohibited in the requested State on the basis of an existing fundamental legal principle of general application, the requested State shall promptly consult with the Court to try to resolve the matter. In the consultations, consideration should be given to whether the assistance can be rendered in another manner or subject to conditions. If after consultations the matter cannot be resolved, the Court shall modify the request as necessary.
- 4. In accordance with article 72, a State Party may deny a request for assistance, in whole or in part, only if the request concerns the production of any documents or disclosure of evidence which relates to its national security.
- 5. Before denying a request for assistance under paragraph 1 (l), the requested State shall consider whether the assistance can be provided subject to specified conditions, or whether the assistance can be provided at a later date or in an alternative manner, provided that if the Court or the Prosecutor accepts the assistance subject to conditions, the Court or the Prosecutor shall abide by them.
- 6. If a request for assistance is denied, the requested State Party shall promptly inform the Court or the Prosecutor of the reasons for such denial.
- 7.
 - (a) The Court may request the temporary transfer of a person in custody for purposes of identification or for obtaining testimony or other assistance. The person may be transferred if the following conditions are fulfilled:
 - (i) The person freely gives his or her informed consent to the transfer; and
 - (ii) The requested State agrees to the transfer, subject to such conditions as that State and the Court may agree.
 - (b) The person being transferred shall remain in custody. When the purposes of the transfer have been fulfilled, the Court shall return the person without delay to the requested State.
- 8.
 - (a) The Court shall ensure the confidentiality of documents and information, except as required for the investigation and proceedings described in the request.
 - (b) The requested State may, when necessary, transmit documents or information to the Prosecutor on a confidential basis. The Prosecutor may then use them solely for the purpose of generating new evidence.

- (c) The requested State may, on its own motion or at the request of the Prosecutor, subsequently consent to the disclosure of such documents or information. They may then be used as evidence pursuant to the provisions of Parts 5 and 6 and in accordance with the Rules of Procedure and Evidence.
- 9.
 - (a)
 - (i) In the event that a State Party receives competing requests, other than for surrender or extradition, from the Court and from another State pursuant to an international obligation, the State Party shall endeavour, in consultation with the Court and the other State, to meet both requests, if necessary by postponing or attaching conditions to one or the other request.
 - (ii) Failing that, competing requests shall be resolved in accordance with the principles established in article 90.
 - (b) Where, however, the request from the Court concerns information, property or persons which are subject to the control of a third State or an international organization by virtue of an international agreement, the requested States shall so inform the Court and the Court shall direct its request to the third State or international organization.
- 10.
 - (a) The Court may, upon request, cooperate with and provide assistance to a State Party conducting an investigation into or trial in respect of conduct which constitutes a crime within the jurisdiction of the Court or which constitutes a serious crime under the national law of the requesting State.
 - (b)
 - (i) The assistance provided under subparagraph (a) shall include, *inter alia*:
 - a. The transmission of statements, documents or other types of evidence obtained in the course of an investigation or a trial conducted by the Court; and
 - b. The questioning of any person detained by order of the Court;
 - (ii) In the case of assistance under subparagraph (b) (i) a:
 - a. If the documents or other types of evidence have been obtained with the assistance of a State, such transmission shall require the consent of that State;
 - b. If the statements, documents or other types of evidence have been provided by a witness or expert, such transmission shall be subject to the provisions of article 68.
 - (c) The Court may, under the conditions set out in this paragraph, grant a request for assistance under this paragraph from a State which is not a Party to this Statute.

Article 94

Postponement of execution of a request in respect of ongoing investigation or prosecution

- 1. If the immediate execution of a request would interfere with an ongoing investigation or prosecution of a case different from that to which the request relates, the requested State may postpone the execution of the request for a period of time agreed upon with the Court. However, the postponement shall be no longer than is necessary to complete the relevant investigation or prosecution in the requested State. Before

making a decision to postpone, the requested State should consider whether the assistance may be immediately provided subject to certain conditions.

2. If a decision to postpone is taken pursuant to paragraph 1, the Prosecutor may, however, seek measures to preserve evidence, pursuant to article 93, paragraph 1 (j).

Article 95

Postponement of execution of a request in respect of an admissibility challenge

Where there is an admissibility challenge under consideration by the Court pursuant to article 18 or 19, the requested State may postpone the execution of a request under this Part pending a determination by the Court, unless the Court has specifically ordered that the Prosecutor may pursue the collection of such evidence pursuant to article 18 or 19.

Article 96

Contents of request for other forms of assistance under article 93

1. A request for other forms of assistance referred to in article 93 shall be made in writing. In urgent cases, a request may be made by any medium capable of delivering a written record, provided that the request shall be confirmed through the channel provided for in article 87, paragraph 1 (a).
2. The request shall, as applicable, contain or be supported by the following:
 - (a) A concise statement of the purpose of the request and the assistance sought, including the legal basis and the grounds for the request;
 - (b) As much detailed information as possible about the location or identification of any person or place that must be found or identified in order for the assistance sought to be provided;
 - (c) A concise statement of the essential facts underlying the request;
 - (d) The reasons for and details of any procedure or requirement to be followed;
 - (e) Such information as may be required under the law of the requested State in order to execute the request; and
 - (f) Any other information relevant in order for the assistance sought to be provided.
3. Upon the request of the Court, a State Party shall consult with the Court, either generally or with respect to a specific matter, regarding any requirements under its national law that may apply under paragraph 2 (e). During the consultations, the State Party shall advise the Court of the specific requirements of its national law.
4. The provisions of this article shall, where applicable, also apply in respect of a request for assistance made to the Court.

Article 97

Consultations

Where a State Party receives a request under this Part in relation to which it identifies problems which may impede or prevent the execution of the request, that State shall consult with the Court without delay in order to resolve the matter. Such problems may include, *inter alia*:

- (a) Insufficient information to execute the request;

- (b) In the case of a request for surrender, the fact that despite best efforts, the person sought cannot be located or that the investigation conducted has determined that the person in the requested State is clearly not the person named in the warrant; or
- (c) The fact that execution of the request in its current form would require the requested State to breach a pre-existing treaty obligation undertaken with respect to another State.

Article 98

Cooperation with respect to waiver of immunity and consent to surrender

1. The Court may not proceed with a request for surrender or assistance which would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State, unless the Court can first obtain the cooperation of that third State for the waiver of the immunity.
2. The Court may not proceed with a request for surrender which would require the requested State to act inconsistently with its obligations under international agreements pursuant to which the consent of a sending State is required to surrender a person of that State to the Court, unless the Court can first obtain the cooperation of the sending State for the giving of consent for the surrender.

Article 99

Execution of requests under articles 93 and 96

1. Requests for assistance shall be executed in accordance with the relevant procedure under the law of the requested State and, unless prohibited by such law, in the manner specified in the request, including following any procedure outlined therein or permitting persons specified in the request to be present at and assist in the execution process.
2. In the case of an urgent request, the documents or evidence produced in response shall, at the request of the Court, be sent urgently.
3. Replies from the requested State shall be transmitted in their original language and form.
4. Without prejudice to other articles in this Part, where it is necessary for the successful execution of a request which can be executed without any compulsory measures, including specifically the interview of or taking evidence from a person on a voluntary basis, including doing so without the presence of the authorities of the requested State Party if it is essential for the request to be executed, and the examination without modification of a public site or other public place, the Prosecutor may execute such request directly on the territory of a State as follows:
 - (a) When the State Party requested is a State on the territory of which the crime is alleged to have been committed, and there has been a determination of admissibility pursuant to article 18 or 19, the Prosecutor may directly execute such request following all possible consultations with the requested State Party;
 - (b) In other cases, the Prosecutor may execute such request following consultations with the requested State Party and subject to any reasonable conditions or concerns raised by that State Party. Where the requested State

Party identifies problems with the execution of a request pursuant to this subparagraph it shall, without delay, consult with the Court to resolve the matter.

5. Provisions allowing a person heard or examined by the Court under article 72 to invoke restrictions designed to prevent disclosure of confidential information connected with national security shall also apply to the execution of requests for assistance under this article.

Article 100

Costs

1. The ordinary costs for execution of requests in the territory of the requested State shall be borne by that State, except for the following, which shall be borne by the Court:
 - (a) Costs associated with the travel and security of witnesses and experts or the transfer under article 93 of persons in custody;
 - (b) Costs of translation, interpretation and transcription;
 - (c) Travel and subsistence costs of the judges, the Prosecutor, the Deputy Prosecutors, the Registrar, the Deputy Registrar and staff of any organ of the Court;
 - (d) Costs of any expert opinion or report requested by the Court;
 - (e) Costs associated with the transport of a person being surrendered to the Court by a custodial State; and
 - (f) Following consultations, any extraordinary costs that may result from the execution of a request.
2. The provisions of paragraph 1 shall, as appropriate, apply to requests from States Parties to the Court. In that case, the Court shall bear the ordinary costs of execution.

Article 101

Rule of speciality

1. A person surrendered to the Court under this Statute shall not be proceeded against, punished or detained for any conduct committed prior to surrender, other than the conduct or course of conduct which forms the basis of the crimes for which that person has been surrendered.
2. The Court may request a waiver of the requirements of paragraph 1 from the State which surrendered the person to the Court and, if necessary, the Court shall provide additional information in accordance with article 91. States Parties shall have the authority to provide a waiver to the Court and should endeavour to do so.

Article 102

Use of terms

For the purposes of this Statute:

- (a) "surrender" means the delivering up of a person by a State to the Court, pursuant to this Statute.
- (b) "extradition" means the delivering up of a person by one State to another as provided by treaty, convention or national legislation.

PART 10. ENFORCEMENT

Article 103

Role of States in enforcement of sentences of imprisonment

1.
 - (a) A sentence of imprisonment shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons.
 - (b) At the time of declaring its willingness to accept sentenced persons, a State may attach conditions to its acceptance as agreed by the Court and in accordance with this Part.
 - (c) A State designated in a particular case shall promptly inform the Court whether it accepts the Court's designation.
2.
 - (a) The State of enforcement shall notify the Court of any circumstances, including the exercise of any conditions agreed under paragraph 1, which could materially affect the terms or extent of the imprisonment. The Court shall be given at least 45 days' notice of any such known or foreseeable circumstances. During this period, the State of enforcement shall take no action that might prejudice its obligations under article 110.
 - (b) Where the Court cannot agree to the circumstances referred to in subparagraph (a), it shall notify the State of enforcement and proceed in accordance with article 104, paragraph 1.
3. In exercising its discretion to make a designation under paragraph 1, the Court shall take into account the following:
 - (a) The principle that States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with principles of equitable distribution, as provided in the Rules of Procedure and Evidence;
 - (b) The application of widely accepted international treaty standards governing the treatment of prisoners;
 - (c) The views of the sentenced person;
 - (d) The nationality of the sentenced person;
 - (e) Such other factors regarding the circumstances of the crime or the person sentenced, or the effective enforcement of the sentence, as may be appropriate in designating the State of enforcement.
4. If no State is designated under paragraph 1, the sentence of imprisonment shall be served in a prison facility made available by the host State, in accordance with the conditions set out in the headquarters agreement referred to in article 3, paragraph 2. In such a case, the costs arising out of the enforcement of a sentence of imprisonment shall be borne by the Court.

Article 104

Change in designation of State of enforcement

1. The Court may, at any time, decide to transfer a sentenced person to a prison of another State.
2. A sentenced person may, at any time, apply to the Court to be transferred from the State of enforcement.

Article 105

Enforcement of the sentence

1. Subject to conditions which a State may have specified in accordance with article 103, paragraph 1 (b), the sentence of imprisonment shall be binding on the States Parties, which shall in no case modify it.
2. The Court alone shall have the right to decide any application for appeal and revision. The State of enforcement shall not impede the making of any such application by a sentenced person.

Article 106

Supervision of enforcement of sentences and conditions of imprisonment

1. The enforcement of a sentence of imprisonment shall be subject to the supervision of the Court and shall be consistent with widely accepted international treaty standards governing treatment of prisoners.
2. The conditions of imprisonment shall be governed by the law of the State of enforcement and shall be consistent with widely accepted international treaty standards governing treatment of prisoners; in no case shall such conditions be more or less favourable than those available to prisoners convicted of similar offences in the State of enforcement.
3. Communications between a sentenced person and the Court shall be unimpeded and confidential.

Article 107

Transfer of the person upon completion of sentence

1. Following completion of the sentence, a person who is not a national of the State of enforcement may, in accordance with the law of the State of enforcement, be transferred to a State which is obliged to receive him or her, or to another State which agrees to receive him or her, taking into account any wishes of the person to be transferred to that State, unless the State of enforcement authorizes the person to remain in its territory.
2. If no State bears the costs arising out of transferring the person to another State pursuant to paragraph 1, such costs shall be borne by the Court.
3. Subject to the provisions of article 108, the State of enforcement may also, in accordance with its national law, extradite or otherwise surrender the person to a State which has requested the extradition or surrender of the person for purposes of trial or enforcement of a sentence.

Article 108

Limitation on the prosecution or punishment of other offences

1. A sentenced person in the custody of the State of enforcement shall not be subject to prosecution or punishment or to extradition to a third State for any conduct engaged in prior to that person's delivery to the State of enforcement, unless such prosecution, punishment or extradition has been approved by the Court at the request of the State of enforcement.
2. The Court shall decide the matter after having heard the views of the sentenced person.

3. Paragraph 1 shall cease to apply if the sentenced person remains voluntarily for more than 30 days in the territory of the State of enforcement after having served the full sentence imposed by the Court, or returns to the territory of that State after having left it.

Article 109

Enforcement of fines and forfeiture measures

1. States Parties shall give effect to fines or forfeitures ordered by the Court under Part 7, without prejudice to the rights of bona fide third parties, and in accordance with the procedure of their national law.
2. If a State Party is unable to give effect to an order for forfeiture, it shall take measures to recover the value of the proceeds, property or assets ordered by the Court to be forfeited, without prejudice to the rights of bona fide third parties.
3. Property, or the proceeds of the sale of real property or, where appropriate, the sale of other property, which is obtained by a State Party as a result of its enforcement of a judgement of the Court shall be transferred to the Court.

Article 110

Review by the Court concerning reduction of sentence

1. The State of enforcement shall not release the person before expiry of the sentence pronounced by the Court.
2. The Court alone shall have the right to decide any reduction of sentence, and shall rule on the matter after having heard the person.
3. When the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court shall review the sentence to determine whether it should be reduced. Such a review shall not be conducted before that time.
4. In its review under paragraph 3, the Court may reduce the sentence if it finds that one or more of the following factors are present:
 - (a) The early and continuing willingness of the person to cooperate with the Court in its investigations and prosecutions;
 - (b) The voluntary assistance of the person in enabling the enforcement of the judgements and orders of the Court in other cases, and in particular providing assistance in locating assets subject to orders of fine, forfeiture or reparation which may be used for the benefit of victims; or
 - (c) Other factors establishing a clear and significant change of circumstances sufficient to justify the reduction of sentence, as provided in the Rules of Procedure and Evidence.
5. If the Court determines in its initial review under paragraph 3 that it is not appropriate to reduce the sentence, it shall thereafter review the question of reduction of sentence at such intervals and applying such criteria as provided for in the Rules of Procedure and Evidence.

Article 111

Escape

If a convicted person escapes from custody and flees the State of enforcement, that State may, after consultation with the Court, request the person's surrender from the State in which the person is located pursuant to existing bilateral or multilateral arrangements, or may request that the Court seek the person's surrender, in accordance with Part 9. It may direct that the person be delivered to the State in which he or she was serving the sentence or to another State designated by the Court.

PART 11. ASSEMBLY OF STATES PARTIES

Article 112

Assembly of States Parties

1. An Assembly of States Parties to this Statute is hereby established. Each State Party shall have one representative in the Assembly who may be accompanied by alternates and advisers. Other States which have signed this Statute or the Final Act may be observers in the Assembly.
2. The Assembly shall:
 - (a) Consider and adopt, as appropriate, recommendations of the Preparatory Commission;
 - (b) Provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court;
 - (c) Consider the reports and activities of the Bureau established under paragraph 3 and take appropriate action in regard thereto;
 - (d) Consider and decide the budget for the Court;
 - (e) Decide whether to alter, in accordance with article 36, the number of judges;
 - (f) Consider pursuant to article 87, paragraphs 5 and 7, any question relating to non-cooperation;
 - (g) Perform any other function consistent with this Statute or the Rules of Procedure and Evidence.
3.
 - (a) The Assembly shall have a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms.
 - (b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.
 - (c) The Bureau shall meet as often as necessary, but at least once a year. It shall assist the Assembly in the discharge of its responsibilities.
4. The Assembly may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.
5. The President of the Court, the Prosecutor and the Registrar or their representatives may participate, as appropriate, in meetings of the Assembly and of the Bureau.
6. The Assembly shall meet at the seat of the Court or at the Headquarters of the United Nations once a year and, when circumstances so require, hold special sessions. Except as otherwise specified in this Statute, special sessions shall be convened by the Bureau on its own initiative or at the request of one third of the States Parties.
7. Each State Party shall have one vote. Every effort shall be made to reach decisions by consensus in the Assembly and in the Bureau. If consensus cannot be reached, except as otherwise provided in the Statute:
 - (a) Decisions on matters of substance must be approved by a two-thirds majority of those present and voting provided that an absolute majority of States Parties constitutes the quorum for voting;

- (b) Decisions on matters of procedure shall be taken by a simple majority of States Parties present and voting.
- 8. A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.
- 9. The Assembly shall adopt its own rules of procedure.
- 10. The official and working languages of the Assembly shall be those of the General Assembly of the United Nations.

PART 12. FINANCING

Article 113

Financial Regulations

Except as otherwise specifically provided, all financial matters related to the Court and the meetings of the Assembly of States Parties, including its Bureau and subsidiary bodies, shall be governed by this Statute and the Financial Regulations and Rules adopted by the Assembly of States Parties.

Article 114

Payment of expenses

Expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, shall be paid from the funds of the Court.

Article 115

Funds of the Court and of the Assembly of States Parties

The expenses of the Court and the Assembly of States Parties, including its Bureau and subsidiary bodies, as provided for in the budget decided by the Assembly of States Parties, shall be provided by the following sources:

- (a) Assessed contributions made by States Parties;
- (b) Funds provided by the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council.

Article 116

Voluntary contributions

Without prejudice to article 115, the Court may receive and utilize, as additional funds, voluntary contributions from Governments, international organizations, individuals, corporations and other entities, in accordance with relevant criteria adopted by the Assembly of States Parties.

Article 117

Assessment of contributions

The contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale is based.

Article 118

Annual audit

The records, books and accounts of the Court, including its annual financial statements, shall be audited annually by an independent auditor.

PART 13. FINAL CLAUSES

Article 119

Settlement of disputes

1. Any dispute concerning the judicial functions of the Court shall be settled by the decision of the Court.
2. Any other dispute between two or more States Parties relating to the interpretation or application of this Statute which is not settled through negotiations within three months of their commencement shall be referred to the Assembly of States Parties. The Assembly may itself seek to settle the dispute or may make recommendations on further means of settlement of the dispute, including referral to the International Court of Justice in conformity with the Statute of that Court.

Article 120

Reservations

No reservations may be made to this Statute.

Article 121

Amendments

1. After the expiry of seven years from the entry into force of this Statute, any State Party may propose amendments thereto. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations, who shall promptly circulate it to all States Parties.
2. No sooner than three months from the date of notification, the Assembly of States Parties, at its next meeting, shall, by a majority of those present and voting, decide whether to take up the proposal. The Assembly may deal with the proposal directly or convene a Review Conference if the issue involved so warrants.
3. The adoption of an amendment at a meeting of the Assembly of States Parties or at a Review Conference on which consensus cannot be reached shall require a two-thirds majority of States Parties.
4. Except as provided in paragraph 5, an amendment shall enter into force for all States Parties one year after instruments of ratification or acceptance have been deposited with the Secretary-General of the United Nations by seven-eighths of them.
5. Any amendment to articles 5, 6, 7 and 8 of this Statute shall enter into force for those States Parties which have accepted the amendment one year after the deposit of their instruments of ratification or acceptance. In respect of a State Party which has not accepted the amendment, the Court shall not exercise its jurisdiction regarding a crime covered by the amendment when committed by that State Party's nationals or on its territory.
6. If an amendment has been accepted by seven-eighths of States Parties in accordance with paragraph 4, any State Party which has not accepted the amendment may withdraw from this Statute with immediate effect, notwithstanding article 127, paragraph 1, but subject to article 127, paragraph 2, by giving notice no later than one year after the entry into force of such amendment.
7. The Secretary-General of the United Nations shall circulate to all States Parties any amendment adopted at a meeting of the Assembly of States Parties or at a Review Conference.

Article 122

Amendments to provisions of an institutional nature

1. Amendments to provisions of this Statute which are of an exclusively institutional nature, namely, article 35, article 36, paragraphs 8 and 9, article 37, article 38, article 39, paragraphs 1 (first two sentences), 2 and 4, article 42, paragraphs 4 to 9, article 43, paragraphs 2 and 3, and articles 44, 46, 47 and 49, may be proposed at any time, notwithstanding article 121, paragraph 1, by any State Party. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations or such other person designated by the Assembly of States Parties who shall promptly circulate it to all States Parties and to others participating in the Assembly.
2. Amendments under this article on which consensus cannot be reached shall be adopted by the Assembly of States Parties or by a Review Conference, by a two-thirds majority of States Parties. Such amendments shall enter into force for all States Parties six months after their adoption by the Assembly or, as the case may be, by the Conference.

Article 123

Review of the Statute

1. Seven years after the entry into force of this Statute the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to this Statute. Such review may include, but is not limited to, the list of crimes contained in article 5. The Conference shall be open to those participating in the Assembly of States Parties and on the same conditions.
2. At any time thereafter, at the request of a State Party and for the purposes set out in paragraph 1, the Secretary-General of the United Nations shall, upon approval by a majority of States Parties, convene a Review Conference.
3. The provisions of article 121, paragraphs 3 to 7, shall apply to the adoption and entry into force of any amendment to the Statute considered at a Review Conference.

Article 124

Transitional Provision

Notwithstanding article 12, paragraphs 1 and 2, a State, on becoming a party to this Statute, may declare that, for a period of seven years after the entry into force of this Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory. A declaration under this article may be withdrawn at any time. The provisions of this article shall be reviewed at the Review Conference convened in accordance with article 123, paragraph 1.

Article 125

Signature, ratification, acceptance, approval or accession

1. This Statute shall be open for signature by all States in Rome, at the headquarters of the Food and Agriculture Organization of the United Nations, on 17 July 1998. Thereafter, it shall remain open for signature in Rome at the Ministry of Foreign Affairs of Italy until 17 October 1998. After that date, the Statute shall remain open for signature in New York, at United Nations Headquarters, until 31 December 2000.

2. This Statute is subject to ratification, acceptance or approval by signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Statute shall be open to accession by all States. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 126

Entry into force

1. This Statute shall enter into force on the first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to this Statute after the deposit of the 60th instrument of ratification, acceptance, approval or accession, the Statute shall enter into force on the first day of the month after the 60th day following the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 127

Withdrawal

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, withdraw from this Statute. The withdrawal shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.
2. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Statute while it was a Party to the Statute, including any financial obligations which may have accrued. Its withdrawal shall not affect any cooperation with the Court in connection with criminal investigations and proceedings in relation to which the withdrawing State had a duty to cooperate and which were commenced prior to the date on which the withdrawal became effective, nor shall it prejudice in any way the continued consideration of any matter which was already under consideration by the Court prior to the date on which the withdrawal became effective.

Article 128

Authentic texts

The original of this Statute, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Statute.

DONE at Rome, this 17th day of July 1998.

Om de problemen van Blair nog te verergeren, wil het Internationaal Strafhof (ICC) aanklachten wegens oorlogsmisdaden indienen tegen Britse en Amerikaanse leiders in verband met de oorlog. Nu **Blair niet langer premier** is, heeft hij **niet langer diplomatieke onschendbaarheid** voor vervolging, en aangezien George W. Bush niet kan worden vervolgd omdat de **VS geen ondertekenaar van het ICC** is. De Veiligheidsraad van de Verenigde Naties stemt over het besluit om Blair voor de rechter te dagen. Normaal gesproken zou dit geen probleem zijn geweest, aangezien het **Verenigd Koninkrijk, een permanent lid van de Veiligheidsraad**, een veto had kunnen uitspreken tegen de resolutie. Helaas voor Blair beveelt Browns assistent de vertegenwoordiger van de Britse Veiligheidsraad om afwezig te zijn wanneer er over de resolutie wordt gestemd. De resolutie wordt aangenomen en alle andere leden van de Veiligheidsraad - inclusief de Verenigde Staten - stemmen voor.

Onder de stress van gebeurtenissen lijdt Blair aan een herhaling van hartproblemen, maar iedereen gelooft dat dit toneelstuk is. Het programma eindigt wanneer Tony Blair naar zijn proces in Den Haag wordt gevlogen.

(wikipedia)



Statement : 4 July 2016

Statement of the Prosecutor correcting assertions contained in article published by The Telegraph

On Saturday, 2 July 2016, the British daily, *The Telegraph*, [published an article](#) erroneously asserting that my Office has "already ruled out putting Tony Blair on trial for *war crimes*."

The article is being widely disseminated, aggravating the spread of inaccurate information concerning the ongoing preliminary examination carried out by my Office with respect to [the Situation in Iraq](#). As such, I am compelled to correct the public record by providing the following clarification.

First, I reiterate that all the activities of my Office, including all our preliminary examination work, are conducted with *full* independence and impartiality. These principles are non-negotiable in my Office.

Second, it must be emphasised that my Office has not taken a position with respect to the Chilcot Report; the contents of which are yet to be released and are unknown to us at this stage.

Third, my Office is currently conducting a *preliminary examination* with respect to the Situation in Iraq, *not* an investigation. A preliminary examination is aimed at determining whether there is a reasonable basis to open an investigation on the basis of all reliable information that we have independently assessed in accordance with the [Rome Statute](#) legal criteria. The Office will consider the Chilcot Report as part of its due diligence of assessing all relevant material that could provide further context to the allegations of war crimes by British troops in Iraq. Additional details of this work are available in [our latest preliminary examination report](#).

Fourth, while the International Criminal Court ("ICC" or the "Court") currently has jurisdiction over war crimes, crimes against humanity and genocide, as explained to *The Telegraph*, its jurisdiction over [the crime of aggression](#) has not yet been activated. Therefore, the specific question of the legality of the decision to resort to the use of force in Iraq in 2003 – or elsewhere – does not fall within the legal mandate of the Court, and hence, is not within the scope of its preliminary examination.

An important distinction must be borne in mind between war crimes, which fall within the jurisdiction of the ICC, and the crime of aggression, which, at the present stage, does not. These are two very distinct crimes with their own legal elements of criminality. Suggesting, therefore, that the ICC has ruled out investigating the former British Prime Minister for war crimes but may prosecute soldiers is a misrepresentation of the facts, drawn from unfamiliarity with the Court's jurisdictional parameters. These parameters also require the Court to exercise jurisdiction only when a state is unable or unwilling to genuinely investigate and prosecute the perpetrators.

Once a decision is made to open an investigation in any given situation, my Office may investigate and prosecute *any* individual suspected of committing crimes within the Court's jurisdiction, namely war crimes, crimes against humanity or genocide. We do this work *without fear or favour* and irrespective of the official capacity of the perpetrator(s). In accordance with the scope of my Office's policy, in fact, as a general rule, my Office will prosecute those most responsible for the commission of these serious crimes. The warrants of arrest issued to date by the Court have been line with this policy and principled approach.

In short, the assertions about the ICC and my Office's work contained in the said article published by *The Telegraph* are inaccurate.

Source : Office of the Prosecutor

[vertaling ICC Engels naar Nederlands]

Verklaring : 4 juli 2016 Verklaring van de aanklager die beweringen in een artikel van The Telegraph corrigeert Op zaterdag 2 juli 2016 heeft het Britse dagblad The Telegraph een artikel gepubliceerd waarin ten onrechte wordt beweerd dat mijn bureau "al heeft uitgesloten dat Tony Blair voor oorlogsmisdaden wordt berecht". Het artikel wordt op grote schaal verspreid, waardoor de verspreiding van onnauwkeurige informatie over het lopende vooronderzoek van mijn bureau met betrekking tot de situatie in Irak nog wordt verergerd. Als zodanig ben ik genoodzaakt om de publieke opinie te corrigeren door de volgende opheldering te geven. Ten eerste herhaal ik dat alle activiteiten van mijn bureau, met inbegrip van al ons vooronderzoek, **in volledige onafhankelijkheid en onpartijdigheid worden uitgevoerd**. Over deze beginselen kan in mijn bureau niet worden onderhandeld. Ten tweede moet worden benadrukt dat mijn bureau geen standpunt heeft ingenomen ten aanzien van het verslag-Chilcot, waarvan de inhoud nog moet worden vrijgegeven en dat ons in dit stadium onbekend is. Ten derde voert mijn bureau momenteel een vooronderzoek uit met betrekking tot de situatie in Irak, en niet een onderzoek. Een vooronderzoek is bedoeld om vast te stellen of er een redelijke basis is om een onderzoek in te stellen op basis van alle betrouwbare informatie die we onafhankelijk hebben beoordeeld in overeenstemming met de wettelijke criteria van het Statuut van Rome. Het Bureau zal het Chilcot-verslag in overweging nemen als onderdeel van zijn due diligence-onderzoek naar al het relevante materiaal dat de beschuldigingen van oorlogsmisdaden door Britse troepen in Irak in een verdere context zou kunnen plaatsen. Aanvullende details over dit werk zijn beschikbaar in ons laatste voorlopige onderzoeksverslag. **Ten vierde heeft het Internationaal Strafhof ("ICC" of het "Hof") momenteel weliswaar jurisdictie over oorlogsmisdaden, misdaden tegen de menselijkheid en genocide, zoals aan The Telegraph is uitgelegd, maar zijn jurisdictie over het misdrijf agressie is nog niet geactiveerd.** De specifieke kwestie van de wettigheid van de beslissing om in 2003 - of elders - **gebruik te maken van geweld in Irak valt daarom niet onder het wettelijke mandaat van het Hof, en dus ook niet onder zijn vooronderzoek.** Er moet een belangrijk **onderscheid worden gemaakt tussen oorlogsmisdaden**, die onder de jurisdictie van het Internationaal Strafhof vallen, en **het misdrijf agressie**, dat in dit stadium **niet** onder de **bevoegdheid van het Internationaal Strafhof valt. Dit zijn twee zeer verschillende misdrijven met hun eigen juridische elementen van criminaliteit.** De suggestie dat het ICC een onderzoek naar de voormalige Britse premier voor oorlogsmisdaden heeft uitgesloten, maar soldaten wel kan vervolgen, is daarom een verkeerde voorstelling van zaken, die wordt ingegeven door onbekendheid met de jurisdictieparameters van het Hof. Deze parameters vereisen ook dat het Hof alleen jurisdictie uitoefent wanneer een staat niet in staat of niet bereid is om de daders daadwerkelijk te onderzoeken en te vervolgen. Als eenmaal besloten is om in een bepaalde situatie een onderzoek in te stellen, kan mijn bureau eenieder die verdacht wordt van misdrijven die onder de jurisdictie van het Hof vallen, namelijk oorlogsmisdaden, misdrijven tegen de menselijkheid of genocide, onderzoeken en vervolgen. Wij doen dit werk zonder angst of gunst en ongeacht de officiële hoedanigheid van de dader(s). In overeenstemming met de reikwijdte van het beleid van mijn Bureau zal mijn Bureau in feite in de regel degenen vervolgen die het meest verantwoordelijk zijn voor het plegen van deze ernstige misdrijven. De arrestatiebevelen die tot nu toe door het Hof zijn uitgevaardigd, zijn in overeenstemming met dit beleid en deze principiële benadering. Kortom, de beweringen over het ICC en het werk van mijn bureau in het genoemde artikel dat door The Telegraph is gepubliceerd, zijn onjuist.

Bron : Bureau van de aanklager CONTA

Return to an Address of the Honourable the House of Commons
dated 6 July 2016
for

The Report of the Iraq Inquiry

Report of a Committee of Privy Counsellors

Volume XII

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SECTION 16.1

THE WELFARE OF SERVICE PERSONNEL

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Introduction

1. This Section addresses:

- the military covenant and the Harmony Guidelines, which provided a framework for the provision of welfare support to Service Personnel, including Reservists, and their families;
- the provision of welfare support during deployments;
- changes to the welfare support available to Service Personnel, including Reservists, and their families; and
- the consideration given to the effects on Service Personnel in decisions to deploy troops, in particular in terms of the Harmony Guidelines.

2. The provision of medical care, in particular for seriously injured Service Personnel, is addressed in Section 16.2.

3. The preparations made for repatriating the bodies of those who lost their lives serving on Operation TELIC, how their deaths were investigated, and the support provided for bereaved families is addressed in Section 16.3.

4. The problems caused by deployments consistently exceeding the Defence Planning Assumptions in respect of the provision of military equipment are addressed in Sections 6.3 and 14.

5. The decision to deploy to Helmand province in Afghanistan, and the implications of that decision, are addressed in Section 9.

The military covenant and the Harmony Guidelines

6. The concept of a “covenant between the Army and its soldiers” was first articulated in the March 2000 British Army publication, *Values and Standards of the British Army*.¹ The foreword to that publication, written by General Sir Roger Wheeler,² Chief of the General Staff, stated:

“As a soldier in the British Army, much is expected of you. You may be required to deploy on operations which will be dangerous, to obey orders which could put your life at risk, and to live and work for long periods under extremely challenging conditions. Your comrades, your commanders and ultimately the Nation will depend on your courage, loyalty and commitment. They will rely on you to maintain the highest standards of professionalism and self-discipline at all times. In short, they must trust you and you need to trust them.

“This two-way obligation forms a covenant between the Army and its soldiers ... By volunteering as a soldier in the British Army you accept that, by putting the needs

¹ Ministry of Defence, *Values and Standards of the British Army*, March 2000.

² General Sir Roger Wheeler was the military adviser to the Iraq Inquiry.

of the Service before your own, you will forgo some of the rights enjoyed by those outside the Armed Forces. But in return you can at all times expect fair treatment, to be valued and respected as an individual, and to be rewarded by reasonable terms and conditions of service.”

7. The Armed Forces’ capacity to deploy and sustain expeditionary operations was determined by decisions in the 1998 *Strategic Defence Review* (SDR 98).³

8. SDR 98 set out the UK’s defence policy and translated that policy into detailed guidance for defence planning by using a number of “planning assumptions” which defined the required level of forces, or scale of effort, required for specific Military Tasks (see Section 6.1).

9. SDR 98 stated that the UK should be able to:

“– respond to a major international crisis which might require a military effort and combat operations of a similar scale and duration to the Gulf War when we deployed an armoured division, 26 major warships and over 80 combat aircraft.

or

– undertake a more extended overseas deployment on a lesser scale (as over the last few years in Bosnia) while retaining the ability to mount a second substantial deployment – which might involve a combat brigade and appropriate naval and air forces – if this were made necessary by a second crisis. We would not, however, expect both deployments to involve war fighting or to maintain them simultaneously for longer than six months.”

10. The principal scales of effort defined in SDR 98 were:

- Small scale: “a deployment of battalion size or equivalent”.
- Medium scale: “deployments of brigade size or equivalent” for war-fighting or other operations.
- Large scale: deployments of division size or equivalent. The most recent example was the UK contribution to the 1991 Gulf Conflict, “although on that occasion the British division deployed with only two of its three brigades”. This was “the maximum size of force we would plan to be able to contribute to peace enforcement operations, or to regional conflicts outside the NATO area”.
- Very large scale and full scale: all the forces that would be made available to NATO to meet a major threat such as significant aggression against an ally.

11. SDR 98 also defined:

- Endurance: the likely duration of individual Military Tasks. Each Service needed to be able to sustain tasks for the required period, including where necessary by

³ Ministry of Defence, *Strategic Defence Review*, July 1998.

rotating individual units deployed and, where units were deployed on operations, allowing units a period of respite between each deployment as set out in the Service's Harmony Guidelines.

- Concurrency: the number of operations of a given scale of effort and duration that could be sustained by the force structure. SDR 98 concluded that "not to be able to conduct two medium scale operations at the same time would be an unacceptable constraint on our ability to discharge Britain's commitments and responsibilities".⁴

12. SDR 98 also considered the "underlying problems of under-manning and overstretch that we have inherited".⁵ It defined overstretch as "trying to do too much with too little manpower". One result was that units and individuals were separated from their families too often and for too long. Another was that preparation for other tasks and longer-term training suffered. The additional pressures from "persistent overstretch" contributed to higher exit rates from the Armed Forces, which exacerbated under-manning. SDR 98 concluded:

"We must break this vicious circle. To do so we must match the commitments we undertake to our planned resources, recognising that there will always be the risk of additional short-term pressures if we have to respond rapidly to an unforeseen crisis. We need to improve recruitment and retention so that our units are properly manned. And we need to use our manpower in the most effective manner, particularly seeking to avoid unnecessary separation or disruption to individuals and their families.

"The Review [SDR 98] has designed a future force structure matched to the level of commitments we plan to be able to undertake. These structural changes, combined with measures to increase recruiting and retention, will ease overstretch."

13. The Harmony Guidelines described the maximum time that Service Personnel should spend away from their families (known as Individual Separated Service)⁶ and the minimum time that they should have between operational deployments (known as tour intervals).⁷

14. The MOD told the Inquiry that the Harmony Guidelines were developed to help it "get the work/life balance right" for Service Personnel and that, as the name suggested, these were for guidance and were not "rules".

15. Each Service (the Royal Navy, the Army and the Royal Air Force) derived its own Harmony Guidelines based on an "analysis of historical norms and judgements, training

⁴ Ministry of Defence, *Strategic Defence Review – Supporting Essay 6, Future Military Capabilities*, July 1998.

⁵ Ministry of Defence, *Strategic Defence Review*, July 1998.

⁶ The MOD defines Separated Service as "Absence from normal place of duty or lack of freedom to enjoy leisure at the normal place of duty/residence at place of duty".

⁷ Paper MOD, 25 November 2009, 'Harmony Guidelines'.

requirements, deployment patterns and the unique culture of each Service”, and on the “routine level of concurrency” that the Armed Forces were resourced and structured to sustain.

16. The table below shows the Harmony Guidelines for each Service in 2003.⁸

Table 1: Harmony Guidelines, 2003

	Royal Navy	Army	Royal Air Force
Individual Separated Service	In any 36 month period, no one to exceed 660 days.	In any 30 month period, no one to exceed 415 days.	In a 12 month period, not more than 2.5% of personnel to exceed 140 days.
Unit tour intervals	Fleet Units to spend maximum of 60% deployed in 36 months.	24 month average interval between Unit tours.	16 month average interval between Unit tours.

17. On 17 January 2003, Mr Blair agreed the deployment of a large scale UK ground force, comprising the headquarters 1st (UK) Armoured Division and three combat brigades, to Iraq (see Section 6.2).

18. There is no indication that the potential pressure on Service Personnel, including with respect to the Harmony Guidelines, was a consideration in that decision.

19. The Service Personnel Board (SPB), chaired by Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) (DCDS(Personnel)), discussed the effect of current operations on personnel welfare on 21 January 2003.⁹ The SPB commented that the “shift to expeditionary operations was having a significant impact on people”. The lesson from Operation FRESCO¹⁰ was that “wider welfare considerations needed to be taken into account in advance of decisions on commitments”.

20. Mr Adam Ingram, Minister of State for the Armed Forces (Min(AF)), told the Inquiry that the Government knew that the invasion of Iraq would put additional strain on the Harmony Guidelines:

“... we had been involved in both Iraq and Afghanistan, still engaged in Northern Ireland, still having people in Cyprus, still having people in Sierra Leone and other parts of sub-Saharan Africa, and still having a significant lay-down in the Falklands.

“All of that made it very difficult to meet harmony guidelines, although it varied between the Services – the Army under most strain ... and significant key enablers

⁸ Fourteenth Report from the Defence Committee, Session 2007-2008, *Recruiting and Retaining Armed Forces Personnel*, HC424.

⁹ Minutes, 21 January 2003, Service Personnel Board meeting.

¹⁰ Op FRESCO was the provision of emergency cover by the Armed Forces in the event of industrial action by civilian firefighters.

within the Army ... They would be under quite considerable stretch. So medics, engineers, a raft of people who were under very significant strain. We knew that.

“However, what was the solution? That [Iraq] was then something we then had to attend to.”¹¹

Early priorities and concerns

Operational Welfare Package

21. The MOD provided an Operational Welfare Package (OWP) to deployed Service Personnel. Although tailored to each deployment, it typically included access to television and films, books, the internet, and a weekly telephone allowance.

22. This support was provided “consistent with the operational and environmental circumstances in which they [Service Personnel] are placed, and the availability of resources”.

23. In late January 2003, Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), asked senior officers to scrutinise the lessons identified during Op JACANA (a UK operation in Afghanistan in 2002), and to report on progress in addressing lessons relevant to Op TELIC.¹²

24. Lt Gen Palmer responded on 31 January, outlining progress towards addressing several of the lessons that had been identified, including the importance of a workable “Welfare Telephone” system early in an operation.¹³ The Permanent Joint Headquarters (PJHQ) had made this, along with the delivery of mail, their priority for Op TELIC. The ratio of Welfare Telephones had been increased from one to 50 to one to 30 to meet the needs of manoeuvre forces.

Review of allowances

25. From 1 April 2003, all units (Regular and Reserve) from which more than five Service Personnel had deployed received a Family Welfare Support Enhancement (FWSE) of £1 per week per individual deployed.¹⁴ The FWSE was to be used by the unit to improve communications between families and deployed Service Personnel (for example by providing internet and telephone facilities) and to support welfare activities for families.

26. Lt Gen Palmer advised the Chiefs of Staff on 9 April 2003 that he had reviewed the MOD’s allowance policy “in support of Op TELIC Service Personnel and their families”,

¹¹ Public hearing, 16 July 2010, page 18.

¹² Minute DPSO/CDS to MA/CNS, 22 January 2003, ‘Op JACANA Lessons for TELIC’.

¹³ MC/DCDS(Pers) to DPSO/CDS, 31 January 2003, ‘Op JACANA Lessons for Op TELIC’.

¹⁴ Minute HQ Land Command [junior official] to HQ 2 Div, 25 October 2003, ‘Welfare Provision for Op TELIC 3 – Chain of Command Instruction’.

and had established a close link with the Treasury to ensure a rapid response to individual cases.¹⁵ A number of changes had been agreed, including:

- the Longer Separated Service Allowance and Longer Service at Sea Bonus enhancements would be introduced earlier than planned;
- the introduction of new arrangements to support close relatives of injured Service Personnel hospitalised in the UK; and
- enhanced support for Service Personnel and their dependants evacuated from permanent posts in the Middle East.

27. The new arrangement to support close relatives of injured Service Personnel referred to by Lt Gen Palmer was the extension of the Dangerously Ill Forwarding of Relatives (DILFOR) scheme (which previously provided for two people to visit seriously injured Service Personnel in hospitals overseas for up to 10 days, at public expense) to include hospitals in the UK.¹⁶ The support provided to injured Service Personnel and their families is described in Section 16.2.

28. The MOD reported in December 2003 that the FWSE had been well received.¹⁷ A survey undertaken by the Army Families' Federation (AFF) suggested that communication between families and deployed Service Personnel was good.

29. The FWSE was increased from £1 to £2.20 per week per person deployed on 1 November 2008.¹⁸ The increase meant that a typical infantry battalion could expect to receive in the region of £30,000 to support families during an operational tour.¹⁹

Delivery of the Operational Welfare Package

30. Lt Gen Palmer told the Inquiry that, rather than deliver a fixed OWP for Op TELIC, he worked closely with PJHQ to ensure that the OWP evolved over time to reflect “the views from soldiers on the ground”.²⁰

The free parcel service

On 24 March 2003, in an exchange with Mr Frank Roy in the House of Commons, Mr Blair undertook to try to ensure that arrangements to provide a free parcel service to troops in the Gulf were put in place as soon as possible.²¹

The free parcel service began on 17 April.²²

¹⁵ Minute Palmer to COSSEC, 9 April 2003, ‘Personnel Issues Update – Op TELIC’.

¹⁶ Minute MOD [junior official] to HQ 2 Div, 25 October 2003, ‘Welfare Provision for Op TELIC 3 – Chain of Command Instruction’.

¹⁷ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

¹⁸ Defence Instructions and Notices, October 2008, ‘Amendments to the Family Welfare Grant’.

¹⁹ Paper MOD, June 2010, ‘Operational Welfare Enhancements as at June 2010’.

²⁰ Public hearing, 21 July 2010, page 3.

²¹ House of Commons, *Official Report*, 24 March 2003, column 28.

²² Letter Davies to Cannon, 19 February 2004, ‘Iraq: Termination of Free Postal Service’.

Lt Gen Palmer told the Inquiry:

“... free parcels, two kilograms, engraved on my heart ... this was a debate about how far we could stretch the logistic operation. I mean, delivering two kilograms of parcels to everybody in theatre over distances with ... not enough helicopters for operations, let alone for administration, was a real issue, but it was critical for the families back in the UK that they could send to their loved ones ... things that would remind them of home.”²³

The free service was terminated in April 2004.²⁴ In a written statement to Parliament, Mr Ingram stated:

“The provision of a free packet service recognised the difficult conditions Service Personnel were operating in and that it was not possible to provide the full spectrum of welfare support normally available to Service Personnel on operations. Whilst southern Iraq is not yet a benign environment, the level of welfare support and the facilities available on Operation TELIC are now comparable to those provided in other operational theatres.

“It has therefore been decided that from 8 April 2004 ... this free service will cease.”

31. Mr Ingram visited Iraq from 13 to 15 May 2003.²⁵ His Military Assistant reported that the Minister had been impressed by the morale of the troops, but he had been briefed that it could be undermined by (unspecified) small-scale and easily rectified “irritants”. Mr Ingram’s Military Assistant concluded:

“The Minister would be disappointed if we lost opportunities for ‘quick wins’ here (though he appreciates that troops in theatre examine these issues from one end of the telescope).”

32. On 22 May, Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(Ops)), listed those irritants and the actions being taken to rectify them in a report for Air Chief Marshal (ACM) Sir Anthony Bagnall, Vice Chief of Defence Staff (VCDS):

- insufficient portaloos (more could be supplied);
- insufficient fresh rations (sufficient fresh rations were available; commanders had chosen to mix these with ration packs);
- a desire for a second Op TELIC medal covering Phase IV operations²⁶ (being discussed by Chiefs of Staff);

²³ Public hearing, 21 July 2010, page 27.

²⁴ House of Commons, *Official Report*, 27 February 2004, column 69WS. The free parcel service was reintroduced in November 2007.

²⁵ Minute MA/Minister (AF) [MOD] to Sec(O) – Iraq, 16 May 2003, ‘Minister (AF) Visit to Iraq’.

²⁶ Phase IV is the military term for the post-conflict phase of operations.

- the recent decision to withdraw the second free welfare families warrant (that decision had been waived for Land forces deployed on Op TELIC);
- the troops' desire to be able to send parcels back to their families without charge (that facility was not available for any other operation, and would not be provided for Op TELIC);
- inadequate access to TVs (the absence of a final UK "disposition plan" for Phase IV and the low standard of camp infrastructure, and in particular the lack of reliable power supply, was hindering the installation of equipment); and
- inadequate access to the internet (equipment was being rolled out).²⁷

33. Maj Gen Fry concluded that sufficient weight was being given to providing support for deployed Service Personnel, who would see "incremental improvements" in the delivery of the OWP and infrastructure.

34. Mr Ingram told the Inquiry that he saw his role as one of getting "ground truth" of what was happening in Iraq, including by talking to soldiers in theatre.²⁸

35. A small team from the Army's Personnel Directorate and PJHQ visited MOD civilian staff in Iraq from 18 to 20 May.²⁹ They reported that comments on the OWP:

"... ranged from a claim that there wasn't a package in existence to the fact that in reality it didn't run smoothly. At Basra there was only one internet terminal available from 0000 to 0700 for [military and civilian] staff to send messages home ... Telephone facilities were similarly limited ..."

36. The team reported that other issues such as the availability of exercise equipment were being addressed by local purchases in theatre.

37. The 28 May meeting of the SPB was advised that Service Personnel were currently living in "basic tented accommodation, existing Iraqi buildings, or fighting vehicles".³⁰ Tier 1 facilities (hard-skinned or tented accommodation with air-conditioning) should be fully deployed by September and Tier 2 facilities (hard-skinned, semi-permanent accommodation) by December. A limited OWP, comprising telephone facilities, British Forces Post Office mail, British Forces Broadcasting Service radio and an electronic letter service, was currently available in all locations; internet and TV were available in some locations. PJHQ intended to provide the full OWP in all locations.

38. The SPB was also advised that a rest and recuperation (R&R) package would be introduced once roulement and force alignment had taken place; "Operational Stand-Downs" would begin on 30 May.

²⁷ Minute Fry to MA/VCDS, 22 May 2003, 'Minister(AF) Visit to Iraq'; Email MA/DCDS (Personnel) to MA/VCDS, 29 May 2003, 'Minister (AF) Visit to Iraq'.

²⁸ Public hearing, 16 July 2010, pages 13-14.

²⁹ Minute PS/Personnel Director to Brooke, 22 May 2003, 'Visit to Iraq 18th – 20th May 2003'.

³⁰ Minutes, 28 May 2003, Service Personnel Board meeting.

39. Lt Gen Palmer told the Inquiry that, initially, R&R was taken in theatre but, as the situation stabilised and in response to the needs of Service Personnel and their families, this was extended to allow Service Personnel to travel back to the UK.³¹ Lt Gen Palmer highlighted the costs of the initiative, particularly in terms of removing Service Personnel from their roles and the demand placed on air transport.

40. The R&R allowance established in Iraq was two weeks, including travel time from and to Iraq.

41. Air Marshal (AM) David Pocock, Deputy Chief of Defence Staff (Personnel) from 2005 to 2007, told the Inquiry that the practice of flying Service Personnel back to the UK for R&R had evolved over the first years of Op TELIC:

“... as far as I can tell, there was never a careful policy discussion about what we were going to do and why. It started off as a means of getting the troops away from particular areas of danger, hardship. They could have a break, clean up, a rest and go back again, and then it gradually evolved from moving back from the actual areas of fighting to perhaps out of the country ...

“... it was never actually, so far as I could tell a formal policy. Like Topsy, it grew.”³²

42. The demands placed on air transport by that practice are considered later in this Section.

43. Lt Gen Palmer visited Iraq in early June 2003. He reported to General Sir Michael Walker, Chief of the Defence Staff, on 20 June that the OWP had been “well received”.³³ The main effort now was to provide air-conditioned accommodation as temperatures in Iraq rose.

44. An MOD official advised Mr Ingram on 27 June that many of the “welfare irritants” had already been resolved.³⁴ In general, problems in delivering the OWP had been caused by the rapid pace of operational deployment. The advice concluded:

“Overall, the OWP policy has held up well given the scale of operation and the specific demands imposed in Op TELIC.”

45. The MOD reported in July that, owing to the austere nature of the deployment and the lack of infrastructure in some locations, the OWP had been implemented in stages.³⁵ The first stage comprised:

- air letters (commonly known as Blueys) delivered electronically;

³¹ Public hearing, 21 July 2010, pages 22-23.

³² Public hearing, 19 July 2010, page 17.

³³ Minute DCDS(Pers) to DPSO/CDS, 20 June 2003, ‘Op TELIC – Theatre Visit Report’.

³⁴ PS/VCDS to PS/Min(AF) [MOD], 27 June 2003, ‘Minister (AF) visit to Iraq – Updated [sic] on Welfare Irritants’.

³⁵ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

- mail;
- welfare telephones;
- newspapers;
- radio broadcasting;
- limited internet access; and
- basic shop facilities.

46. By July, the OWP was being extended to provide additional internet access, fitness equipment, TV broadcasting and free books.

47. Lt Gen Palmer told the Inquiry that, over time, the MOD delivered a “very good” OWP.³⁶

48. Lieutenant General Sir Alistair Irwin, the Adjutant General from 2003 to 2005, added that a key factor in delivering the OWP was managing and meeting increasing expectations.³⁷

49. The Inquiry heard mixed reports on the OWP from families and veterans of Op TELIC. Limited access to telephones early in the campaign and the fragility of the air bridge between Iraq and the UK were particular sources of frustration.

50. The Inquiry put those concerns to Mr Ingram.³⁸ On the issue of limited access to telephones, he told the Inquiry:

“... at the beginning of a war phase, and shortly after it, it is very hard to deliver full communication and infrastructure. Indeed, even the military infrastructure, ie in terms of operational demand, was pretty fragile as well.

“So you couldn’t honour the commitment in terms of the amount of time that each soldier ... would have to phone back to their family, but as the lay-down became more established, and investment could then be made in communications, and when we had the communications infrastructure, we could then improve the availability and the time ...”

THE AIR BRIDGE

51. In January 2004, in response to concerns over the increasing threat to Air Transport (AT), the Chiefs of Staff agreed that only aircraft fitted with a Defensive Aids Suite (DAS)³⁹ should fly into Basra.⁴⁰

³⁶ Public hearing, 21 July 2010, page 12.

³⁷ Public hearing, 21 July 2010, pages 13-14.

³⁸ Public hearing, 16 July 2010, pages 21-22.

³⁹ A Defensive Aids Suite (DAS) is a military aircraft system which acts to defend the aircraft from attack. A DAS typically comprises chaff, flares, and electronic countermeasures combined with equipment to detect threats.

⁴⁰ Minutes, 28 January 2004, Chiefs of Staff meeting.

52. General Sir Mike Jackson, Chief of the General Staff, visited Iraq from 10 to 13 October 2005.⁴¹ In his report to Gen Walker, he set out the heavy demands on the UK's Support Helicopter (SH) fleet, and continued:

"If our SH capability is inadequate, our AT fleet is worse. The air bridge to theatre is now so fragile that sustaining an efficient R&R schedule is nigh on impossible. Quite apart from the morale effect of inordinate delays, the difficulties with R&R are now beginning to impact significantly on the operational effectiveness of the Division. The situation is so bad that I am asking HQ Land to re-examine, at least in principle, whether we might not re-adopt 4 month operational tours without R&R. Since I suspect there will be very many reasons against this – continuity and our current training cycle to name but two – we really need to take stock of our AT capability in the round, especially in light of our impending commitment to Afghanistan."

53. Later that month, the Chiefs of Staff "noted" that the UK's AT capability was "unable to meet current and prospective demands", and that General Sir Timothy Granville-Chapman, Vice Chief of Defence Staff, would undertake a stocktake and scope increased availability.⁴²

54. Gen Granville-Chapman reported to Gen Walker in December that the main constraint on AT was the lack of DAS-equipped passenger aircraft to support current operations.⁴³ The decision that only DAS-equipped aircraft could carry passengers to Iraq and Afghanistan meant that only three RAF TriStar aircraft were currently available to support the air bridge.

55. Gen Granville-Chapman described the work that was under way to address the shortfall in AT availability. A further three TriStar would be fitted with DAS, and a fourth for DAS. Those aircraft would become available between May 2006 and February 2007. The MOD had chartered civil aircraft to shuttle between the UK and a "hub" at Al Udiyd airbase in Qatar, reducing the burden on TriStar. The first charter flight had been on 6 December.

56. The deployment of additional forces to Afghanistan in 2006 would "demand a surge in AT requirement". To handle that demand, the MOD was exploring the possibility of establishing a Forward Mounting Base (FMB) for TriStar that shortened the transit time to and from theatre.

57. Gen Granville-Chapman also addressed a number of "more radical approaches" including using civil aircraft fitted with DAS to fly into theatre, and procurement of additional aircraft. On the latter, the only viable option that would make a difference to lift capacity within two years was the early acquisition of a fifth C-17 (currently scheduled

⁴¹ Report CGS to CDS, 18 October 2005, 'CGS Visit to Iraq: 10-13 Oct 05'.

⁴² Minutes, 26 October 2005, Chiefs of Staff meeting.

⁴³ Minute VCDS to CDS, 12 December 2005, 'Air Transport Support to Operations'.

for procurement in 2011). The MOD was considering “innovative finance arrangements”, including leasing arrangements.

58. Gen Granville-Chapman provided Gen Walker with an update on the stocktake on 6 January 2006.⁴⁴ After further work, the early acquisition of a fifth C-17 remained a possibility. The “less good news” was that the Treasury now contended that fitting the additional TriStar with DAS was not a legitimate charge to the Reserve, given that the “hub and spoke” arrangement using Al Udied was now operational. Officials advised that the MOD should continue fitting DAS “at risks”.

59. In his post-operational tour report on 18 January, Major General James Dutton, General Officer Commanding Multi-National Division (South-East), wrote:

“The reliance on only 3 suitably equipped TriStar C-2 aircraft to support the UK-BAS [Basra Air Station] air bridge task has again created significant problems, especially as one aircraft has been in long term major maintenance for most of the period and the others have occasionally been required for Op HERRICK tasks ... consequently there is an indisputable need for additional Defensive Aids Suite (DAS) equipment for air transport assets.”⁴⁵

60. Gen Walker directed on 24 January that the MOD should “explore innovative funding operations for the early procurement of a fifth C-17 aircraft”.⁴⁶

61. In April 2006, the MOD’s Directorate of Operational Capability (DOC) published its third report of Op TELIC lessons, covering the period from 1 December 2004 to 28 February 2006.⁴⁷ The report is described in detail in Section 14.1.

62. On AT, the DOC reported:

“The availability of air transport assets became critical in October 2005. The strategic and tactical requirement for all aircraft to be equipped with Defensive Aids Suite (DAS) in theatre has compounded the problem. The air bridge to theatre became so fragile that the Rest and Recuperation (R&R) plot became close to untenable in Oct/ Nov 2005 ... This affected morale and the operational effectiveness of the British personnel in MND(SE). The situation became so pronounced that HQ LAND was tasked to look at initiatives that would allow a shortened tour length without R&R ... the Op HERRICK deployment [to Helmand province, Afghanistan] brings with it more pain rather than respite and, as a result, the imperative to improve our AT capacity is stronger than ever.”

⁴⁴ Minute VCDS to CDS, 6 January 2006, ‘Air Transport Support to Operations’.

⁴⁵ Report HQ MND(SE) to PJHQ – J3, 18 January 2006, ‘Progress Report – Operation TELIC’.

⁴⁶ Minutes, 24 January 2006, Chiefs of Staff meeting.

⁴⁷ Report DOC, 4 April 2006, ‘Operation TELIC Lessons Study Volume 3’.

63. The DOC recommended:

“There is a requirement to assess and improve our AT capacity as an operational priority. The UK should consider civilian air charter to off-load capacity ...”

64. The House of Commons Defence Committee visited Iraq from 4 to 8 June.⁴⁸ On the air bridge, the Committee wrote:

“During our visit to Iraq, we heard that air bridge reliability remained a key concern among UK Service Personnel. We witnessed at first hand the disruption caused by delays of flights in and out of, and around, theatre. The difficulties stem from problems both with the commercial service between the UK and Al Udeid and with the C-130 Hercules in theatre and the availability of RAF air bridge TriStar, VC10 and C-17. Troops travelling home on leave are frequently delayed and this reduces their time on leave.”

65. The Defence Committee concluded:

“It is unacceptable that Servicemen and women, many of whom are serving greatly in excess of Harmony Guidelines, should have their leave disrupted by the MOD’s inability to provide a reliable air bridge.”

66. The MOD ordered a fifth C-17 aircraft in July 2006, and took delivery of that aircraft in February 2008.⁴⁹

67. In its 2009 report entitled *Support to High Intensity Operations*, the National Audit Office (NAO) wrote:

“The Department’s [the MOD’s] air transport fleet is small, consists of aircraft types that are old by comparison to modern civilian fleets and is therefore susceptible to mechanical breakdown. In addition, the integration of modern Defensive Aids Suites on to these aircraft has caused reliability problems. The availability of the TriStar fleet, the Department’s main passenger carrying aircraft, has been low. Of the seven TriStar passenger-carrying aircraft, on average 45.5 percent since January 2006, have been unavailable to support operations. Significant effort by those responsible for the air transport fleet has enabled the Department to deliver the overall task but the air bridge remains under considerable strain.”⁵⁰

68. On the fragility of the air bridge, Mr Ingram told the Inquiry:

“The air bridge ... was very fragile. We were dealing with ageing aircraft, you just need an aircraft to break down for a few hours and the whole thing is thrown into dislocation.

⁴⁸ Thirteenth Report from the Defence Committee, Session 2005-2006, *UK Operations in Iraq*, HC1241, paragraph 69.

⁴⁹ www.raf.mod.uk, 22 February 2008, *RAF Prepares To Receive Fifth C-17 Aircraft*.

⁵⁰ National Audit Office, *Support to High Intensity Operations*, 14 May 2009.

“It is why ... the procurement of commercial aircraft was then put in place, but they could break down as well, and there was nothing more frustrating than hundreds of personnel hoping to get home and then being contained somewhere else, whether it was Cyprus or Oman or Kuwait or wherever ...

“These were real issues, and there were not easy solutions to it.”⁵¹

69. AM Pocock, DCDS(Personnel) from 2005 to 2007, told the Inquiry:

“The first time I went out to Iraq ... the subject [the air bridge] was raised with me more often than anything else and, when I came back, I immediately went to see the Chief of the Air Staff, and he was already aware of it, but I made plain to him that, apart from it being a morale issue generally, it was disastrous for the reputation of the Royal Air Force. He understood completely.”⁵²

70. AM Pocock told the Inquiry that the problems with the air bridge were very well known, and were regularly discussed in Chiefs of Staff meetings.⁵³ He commented that “if there had been a solution, it would have been implemented”.

Concerns over the effect of Operation TELIC on retention

71. In late April 2003, Lt Gen Palmer wrote to Rear Admiral (RAdm) Timothy McClement, Assistant Chief of the Naval Staff, Major General David Richards, Assistant Chief of the General Staff, and Air Vice Marshal (AVM) Philip Sturley, Assistant Chief of the Air Staff, requesting a subjective assessment of the likely impact of current operations on retention over the short, medium and long term, and how retention could be improved.

72. RAdm McClement assessed that Op TELIC would have a positive impact on retention in the Royal Navy in the short term (though there might be a slightly negative impact in some areas, including the Royal Marines).⁵⁴ A key factor in retention would be ensuring that Service Personnel had a period of “relative programme stability” after operations, to enable them to take leave and spend time with family and friends.

73. Maj Gen Richards assessed that there would be a “net benefit” on retention in the Army.⁵⁵ However, much would depend on how the recovery and recuperation phases were managed; the demobilisation of Reservists required particular attention. Measures which would improve retention included:

- recognition, possibly in the form of a memorial service and early agreement on the processes for Honours, Awards and medals;

⁵¹ Public hearing, 16 July 2010, pages 23-24.

⁵² Public hearing, 19 July 2010, pages 16-17.

⁵³ Public hearing, 19 July 2010, page 18.

⁵⁴ Minute ACNS to DCDS(Pers), 7 May 2003, ‘Recuperation – People Workstrand’.

⁵⁵ Minute ACGS to MA/DCDS(Pers), 7 May 2003, ‘Recuperation – People Workstrand’.

- minimising the impact on Harmony Guidelines by reducing other commitments;
- rolling out the OWP developed for Op TELIC – which had been well received – to other operations;
- establishing and resourcing appropriate immediate and long-term arrangements for stress management, including for Reservists; and
- improving accommodation.

74. Maj Gen Richards also highlighted measures which would improve the retention of Reservists, including:

- greater consistency with Regular Service Personnel, in terms of eligibility for operational benefits, allowances and medals; and
- ensuring that no Reservist was financially disadvantaged because of Op TELIC.

75. AVM Sturley assessed that “the combined effect of [Ops] FRESCO, TELIC and our other commitments has hurt”.⁵⁶ AVM Sturley identified a number of measures to improve retention, the first of which (for Regular Service Personnel) was to reduce future commitments.

76. Lt Gen Palmer told the Inquiry that, as DCDS(Personnel), his “major preoccupation” was to reduce the number of troops in Iraq quickly, to reduce the pressure on individual Service Personnel and the Harmony Guidelines.⁵⁷ He emphasised that those efforts were always in consultation with PJHQ and never at operational risk.⁵⁸

77. Commodore Noel Preston-Jones, Director Service Personnel Policy, briefed the 28 May 2003 meeting of the SPB that the responses from RAdm McClement, Maj Gen Richards and AVM Sturley “had, inter alia, highlighted the need for a reduction in commitments”.⁵⁹ The assessments of the impact of current commitments on retention varied. Overall, the Royal Navy and Army anticipated a net benefit from Op TELIC, while the RAF and Defence Medical Services anticipated a net loss. The emerging conclusions of the “people” work strand of the Recuperation Initiative included the need to relieve pressure on pinch points,⁶⁰ “for example by reducing commitments, resolving under manning or adjusting the force structure”.

78. At its 28 May meeting, the SPB also discussed priorities for the MOD’s Short Term Plan for 2004 (STP04),⁶¹ and in particular the “significant structural under-funding across the people area”. Lt Gen Palmer concluded that any STP bid needed to be underpinned

⁵⁶ Minute ACAS to DCDS(Pers), 7 May 2003, ‘Recuperation – People Workstrand’.

⁵⁷ Public hearing, 21 July 2010, page 75.

⁵⁸ Public hearing, 21 July 2010, page 79.

⁵⁹ Minutes, 28 May 2003, Service Personnel Board meeting.

⁶⁰ The MOD defines pinch point trades as trades or areas of expertise where there is not enough trained strength to perform operational tasks without encroaching on the time provided between deployments for recuperation, training and leave.

⁶¹ The Short Term Plan forecast MOD spending on operational costs, looking four years ahead.

by evidence “for example to demonstrate the link between retention and improved accommodation ... The process had to be placed on a more scientific basis.”

79. In advance of the 26 November meeting of the SPB, Lt Gen Palmer circulated a personal “think-piece” on STP04.⁶² It described STP03 as “relatively good for personnel”, although “recruiting and retaining Service Personnel is becoming increasingly difficult and expensive as demographics change, expectations rise and technology evolves”.

80. Looking ahead to STP04, Lt Gen Palmer assessed that, while the Services had made significant progress towards achieving manning balance targets and premature voluntary retirement (PVR) rates remained relatively low, “the current level of operational commitments ... is threatening to undermine or reverse the progress made”.

81. Emerging problems were:

- The Army reported that Op TELIC was having a “marked impact” on tour intervals, rendering it unable to meet Harmony/Separated Service Guidelines.
- The RAF reported a significant worsening in their figures for Separated Service.
- Across all three Services, pressure on pinch point trades was increasing. Medical services continued to be a specific concern.
- The number of Reservists available for mobilisation was falling.

82. Lt Gen Palmer concluded that the MOD’s forthcoming planning round was likely to be particularly challenging; the SPB would need to give direction on which personnel priorities should be “reprieved”.

83. Mr Ingram visited Basra in December 2003.⁶³ He reported to Mr Geoff Hoon, the Defence Secretary, that, while UK Armed Forces were in “excellent shape”, he had concerns for the future:

“Some units in Iraq have had exceptionally busy operational and training cycles before deployment ... I detected signs that the pressures of repeated long separations may be building in some areas. We will need to manage this carefully in the New Year ...”

Supporting Reservists

84. There are two key types of Reserve Forces:

- members of the Volunteer Reserve Forces (VRF) who serve within VRF units and usually train in the evenings, at weekends and for at least two weeks each year; and

⁶² Paper DCDS(Pers), 17 November 2003, ‘STP 04 – A Paper by DCDS(Pers)’.

⁶³ Letter Ingram to Secretary of State [MOD], 30 December 2003, ‘Visit to UK Forces in Basra 17-19 December 2003’.

- members of the Regular Reserve, who are ex-members of the Regular Forces who still have a liability for mobilisation.⁶⁴

85. The VRF comprises the Royal Naval Reserve, the Territorial Army (TA), the Royal Marines Reserve and the Royal Auxiliary Air Force.

86. In 2003, there were approximately 40,000 members of the VRF, of whom 35,000 were in the TA.⁶⁵

87. The Reserve Forces have three primary roles:

- to augment Regular Forces for enduring operations;
- to provide additional capability for large scale operations; and
- to provide specialist capability.

88. Lieutenant General Mark Mans, the Deputy Adjutant General from 2005 to 2008, told the Inquiry that for Op TELIC, as for other operations, Reservists were:

“... more often than not mobilised as individuals to support regular Army units. Sometimes they were mobilised in teams of 10 to 20, but that was quite unusual.”⁶⁶

89. Lt Gen Mans described the welfare support provided to members of the TA:

“As far as the support to the Territorial Army, when they were mobilised, they got exactly the same as the Regulars. So there was no distinction whatsoever. As far as support to their families, the same applied, but of course, it is more difficult, because the families of Territorial [Army] soldiers are spread far and wide ...

“... when they are mobilised, the [Territorial Army] soldiers do support a Regular unit of one form or another and, therefore, it is incumbent upon that Regular unit, and particularly the rear party back at the home base, to make sure that those individuals within the TA, and their families, are appropriately looked after in terms of maintaining contact, and also making sure they are aware of all the support and sustenance they can achieve.”⁶⁷

90. Lt Gen Mans added that once a member of the TA was demobilised, responsibility for their welfare reverted to their TA unit.

91. The MOD told the Inquiry that it had considered providing a separate “welfare pathway” for Reservists, but concluded that it would not aid integration.⁶⁸

⁶⁴ Ministry of Defence, *Future of the UK's Reserve Forces*, 7 February 2005.

⁶⁵ National Audit Office, *Ministry of Defence: Reserve Forces*, 31 March 2006.

⁶⁶ Public hearing, 19 July 2010, pages 26-27.

⁶⁷ Public hearing, 19 July 2010, page 27.

⁶⁸ Paper MOD, 6 July 2010, ‘Iraq Inquiry Reservist Specific Welfare Provision’.

92. The initial call-out notice for Reservists for Op TELIC was issued in early January 2003.⁶⁹ By 19 March (when military operations against Iraq began), over 5,000 Reservists had been mobilised (comprising some 12 percent of total UK forces).

93. All TA and Regular Reservists deployed for Op TELIC 1 (the major combat phase of operations) were mobilised through the Reserves Training and Mobilisation Centre (RTMC) at Chilwell in Nottingham.⁷⁰ The briefing and preparation process at RTMC Chilwell provided Reservists with medical and dental examinations, additional operation-specific equipment, and information on pay and allowances.

94. In early June, the DOC produced a short note on lessons identified on personnel issues during Op TELIC 1; the note was sent to Mr Ingram's office on 11 June.⁷¹ The DOC stated that, although the mobilisation of Reservists had gone well, Op TELIC had thrown up "many issues" including:

- Many Reservists had found themselves "financially disadvantaged" because of mobilisation and deployment, or had not been paid properly.
- Some medical Reservists had been compulsorily mobilised from key NHS jobs but were not subsequently deployed where they could use their specialist skills. For many medical Reservists, it was their second or third operational deployment in recent years and this might affect retention.
- In some areas it had proved difficult to provide "active support" to the families of deployed Reservists, because of the dispersed and isolated locations of people's homes, particularly in relation to other Reservists and military bases.

95. The lessons identified were:

"A review of Reservist pay procedures is required to eliminate inefficiencies and to take into account the financial penalties likely to be incurred by Reservists as a result of mobilisation.

"A review of the mobilisation and employment of Reservist medical personnel on operations is required.

"A review of practical and emotional support to Reservist families is required."

96. The MOD has not been able to provide the Inquiry with papers on a number of issues relating to Reservists, including whether and how these recommendations were taken forward.

⁶⁹ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

⁷⁰ House of Commons, *Official Report*, 3 June 2003, column 302W. The Reserves Training and Mobilisation Centre (RTMC) was renamed the Reinforcements Training and Mobilisation Centre in 2011 and disbanded in 2015, when its responsibilities were taken on by the Mission Training and Mobilisation Centre (Individual).

⁷¹ Minute MA/VCDS to MA/Min(AF), 11 June 2003, 'Operation TELIC – Personnel Issues' attaching Paper MOD, [undated], 'Operation TELIC – Personnel Issues'.

97. The Inquiry asked Lt Gen Palmer what lessons had been learned from the mobilisation of Reserves for Op TELIC 1. He told the Inquiry that there were “big changes” between Op TELIC 1 and Op TELIC 2:

“We put in place a mounting centre at Chilwell, in order to try to administer them better, because there were issues definitely about inadequacies in handling Reserve mobilisation to do with their pay, to do with their jobs, and we were very involved in trying to make sure ... they could get their jobs back. Actually, I think we did have to resort to law on a couple of occasions.

“We also made sure that they had access to the same packages as the Regulars and obviously the same training, but I did take a number of criticisms from Reservists who did not feel they had been properly looked after administratively or, indeed, in a training sense, but ... they performed magnificently during the operation, and we simply could not have done without them.”⁷²

98. In October, the Army issued instructions on welfare provision for Op TELIC 3.⁷³ The instructions detailed the specific support available for mobilised Reservists, including:

- A TA cell had been established in theatre to handle any employment, administrative and pay concerns.
- All TA units were to ensure that they had a “proper focus established” to support the families of mobilised Reservists, and that there was regular contact with those families. The FWSE was designed to help with that work.
- All units were reminded that on mobilisation, “a Reservist becomes a Regular soldier”. There had been a number of cases where a mobilised Reservist had not been given full access to medical and dental care.

99. The instructions directed recipients to take “particular note” of the “aftercare policy” for demobilised Reservists. On demobilisation, TA soldiers should be advised that they should re-establish contact with their TA unit or the Reserve Force and Cadet Association (RFCA) if they experienced any difficulties associated with their operational service. The formal departure interview should impart “the clear understanding” that the Army remained engaged in their welfare.

100. In December, an MOD report on lessons from Op TELIC highlighted the particular difficulties faced by families of Reservists:

“The families of Reservists need particular consideration, as they may have had little or no contact with the Services and may not understand Service structures, administrative procedures, roles or jargon. Such families knew whom to contact, but ... still found it much more difficult than Regular Army families to find the

⁷² Public hearing, 21 July 2010, pages 84-85.

⁷³ Minute HQ Land Command to HQ 2 Div, 25 October 2003, ‘Welfare Provision for Op TELIC 3 – Chain of Command Instruction’.

information and answers they wanted. This will be borne in mind in considering how best to improve the support they need.”⁷⁴

101. The report also stated that, in order to preserve the volunteer ethos of Reservists and the goodwill of families and employers, the MOD had revised the “desired notice” period for mobilisation from 14 to 21 days. Operational requirements meant that for Op TELIC 1, some Reservists received only four days’ notice.

102. The report did not specify what action would be taken to address these difficulties.

103. In the same month, an NAO report on Op TELIC stated that some Reservists received as little as two or three days’ notice, due to absence from home, postal times and incorrect addresses.⁷⁵

104. The MOD set out the role of the Reserve Forces in the February 2005 publication *Future Use of the UK’s Reserve Forces*.⁷⁶ The paper stated that:

- In recognition of the fact that most members of the VRF joined to undertake activities which were a contrast to their civilian employment, the MOD would not mobilise a Reservist to take advantage of his or her civilian skills except with the express agreement of the Reservist and their employer. This would not preclude a commander on operations ordering an already mobilised Reservist to carry out a task for which he or she was qualified, as a short-term expedient and where no other alternative existed.
- While the Reserve Forces Act 1996 set a limit on the time any Reservist could be mobilised (generally one year over a three-year period), the MOD believed that this level of mobilisation was “unsustainable”. The MOD would therefore, where possible, limit the time that any Reservist would be mobilised to one year over a five-year period.
- The MOD would seek to provide 28 days’ notice of mobilisation (21 days previously).

105. In April 2005, the MOD introduced a new remuneration package for Reservists deployed on operations.⁷⁷ Under the new scheme, if Reservists were mobilised and their civilian pay was higher than their Service pay, they could claim the difference, including certain benefits in kind. There were additional allowances to compensate for other losses.

106. Reservists had previously applied for allowances to cover the additional costs of deployment. The scheme required a Reservist to collate a great deal of evidence of personal earnings and expenditure in the short time available before deployment.

⁷⁴ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁷⁵ National Audit Office, *Operation TELIC – United Kingdom Military Operations in Iraq*, 11 December 2003.

⁷⁶ Ministry of Defence, *Future of the UK’s Reserve Forces*, 7 February 2005.

⁷⁷ National Audit Office, *Ministry of Defence: Reserve Forces*, 31 March 2006.

107. The NAO reported that the new scheme was “generous and less bureaucratic, and has been generally welcomed by the Reservists”.

108. The NAO published a report on the MOD’s use of the Reserve Forces in March 2006.⁷⁸ The NAO highlighted the finding from its survey of Reservists, that 41 percent of those intending to leave within one year agreed that inadequate support (relating to welfare and administration) played a part in their decision to leave. The NAO reported that, while the most used form of support was the unit’s welfare representative, some units had no full-time welfare representative to support deployed Reservists and their families.

109. The NAO recommended that the MOD should focus its attention and resources on those welfare services which were most used by Reservists and their families, especially those provided by local Reserve units. In particular, it should:

- ensure that information supplied to Reservists’ families was written in plain English;
- ensure that all TA regiments had adequate, dedicated welfare support, and that similar measures were available for Royal Naval Reservists and Royal Auxiliary Air Force Personnel; and
- improve the welfare support available to the families of deployed Volunteer Reservists who lived far away from the Reserve unit with which they trained and those Regular Reservists who had no unit.

110. The NAO also highlighted the lack of medical support for Reservists after their demobilisation, and recommended that the MOD should:

- undertake to provide medical treatment to all Reservists injured on operations to enable them to rejoin their civilian lives and careers as quickly as possible; and
- institute procedures for the diagnosis and treatment, through Defence Medical Services (DMS), of Reservists who develop mental health problems after the demobilisation process had been completed, as a result of an operational deployment.

111. In November 2006, the MOD established the Reserves Mental Health Programme (RMHP), to provide enhanced mental health care for current and former Reservists who had been demobilised since 1 January 2003 following deployment on an overseas operation. The RMHP is described in Section 16.2.

⁷⁸ National Audit Office, *Ministry of Defence: Reserve Forces*, 31 March 2006.

Increasing pressure on Service Personnel, 2004 to 2008

The decision not to deploy a headquarters and brigade to Iraq, June 2004

112. In mid-April 2004, the US made an informal request to the UK to send additional troops to Iraq.⁷⁹ Section 9.2 describes the Government's consideration of that proposal, which focused on the question of the contribution that those troops might make to achieving strategic success.

113. On 12 May, Lieutenant General Robert Fry, Deputy Chief of Defence Staff (Commitments) (DCDC(Commitments)), advised the Chiefs of Staff meeting that the effect of an additional deployment on "Harmony", previously identified as one of the main concerns, was now assessed to be "less stressing".⁸⁰

114. Lt Gen Palmer wrote to Lt Gen Fry the following day:

"You know my serious concerns about increasing the current level of commitments ... At best, deployment of an additional brigade would reduce average unit separation from our target of 24 months to 12 months. Within this, some trades and individuals (including pinch point trades) will inevitably suffer considerably shorter tour intervals. While recruitment and retention currently remain satisfactory in most areas, the situation is potentially fragile not least because the risk is difficult to quantify."⁸¹

115. Lt Gen Palmer suggested that, if a "do nothing" option was judged to be unacceptable, the MOD should develop a "battlegroup only" option which would minimise "the stretch on our people". He also highlighted the difficulty of following a decision for an additional deployment with the announcement of planned measures to reduce manpower costs.

116. The Chiefs of Staff considered the US request for additional UK military assets to Iraq on 19 May.⁸² Although they recognised there were risks and benefits to all the possible options, they agreed that the "best military option" was the deployment of HQ Allied Rapid Reaction Corps (HQ ARRC) and a brigade to replace US forces in the provinces of Najaf and Qadisiyah (option six).

117. During the meeting, Lt Gen Fry cautioned against the long-term effects on the Armed Forces of an additional deployment, which militated against that option. Lt Gen Palmer rehearsed the arguments he had set out in his 13 May minute to Lt Gen Fry, adding that he feared a "precipitant retention problem".

⁷⁹ Letter Baker to Rycroft, 21 April 2004, 'Iraq: US Approaches for Additional UK Forces'.

⁸⁰ Minutes, 12 May 2004, Chiefs of Staff meeting.

⁸¹ Minute DCDS(Pers) to DCDS(C), 13 May 2003, 'Expanding MND(SE) – People Implications'.

⁸² Minutes, 19 May 2004, Chiefs of Staff meeting.

118. Gen Walker summarised the conclusion of the Chiefs of Staff, that option six was the “best military option” although “there was current doubt whether it could be delivered and sustained”.

119. Mr Hoon’s Private Secretary wrote to Mr Blair’s Private Secretary for Foreign Affairs on 25 May, setting out the Chiefs of Staff’s advice.⁸³ Mr Hoon’s Private Secretary stated that the option which would have the greatest effect and the least military risk was the deployment of HQ ARRC with an associated battlegroup, and a brigade to replace US forces. However, that option carried “significant penalties” including with regard to the wider impact on the Armed Forces.

120. Mr Hoon’s Private Secretary set out those penalties. Deploying HQ ARRC with an associated battlegroup would further reduce tour intervals for many Service Personnel. Some 40 percent of infantry soldiers already had tour intervals of less than 12 months (against a guideline of 24 months). The deployment would reduce tour intervals for combat service support units to an average of less than 10 months; some units would have even less.

121. Reduced tour intervals would effect training and future capability, and also significantly reduce the time that Service Personnel and their families could spend together. The letter concluded:

“For some, this may be the straw that breaks the camel’s back and leads to experienced personnel leaving the Service.”

122. Holding a brigade at readiness, even if it was not deployed outside the UK, would have even more significant impacts.

123. Given those penalties, and the fact that the situation in Iraq would evolve, Chiefs recommended that the Government should deploy HQ ARRC and an associated battlegroup now, but retain the brigade in the UK to be deployed if necessary.

124. In late May, Lt Gen Palmer asked the Chiefs of Staff to agree that he should develop a costed package of measures, focused on protecting untaken leave and enhanced allowances, to ameliorate the “worst consequences” of the increasing “operational load”.⁸⁴ It was conceivable that an increase in the UK’s commitment in Iraq would reduce tour intervals for some units, including medical units, to six months.

125. Lt Gen Palmer advised that the MOD did not have the management information to determine the extent to which increasing pressure on Service Personnel would translate into worsening retention, or when a “tipping point” in retention would be reached (work was under way to generate that information). Recruitment and retention

⁸³ Letter Naworynsky to Rycroft, 25 May 2004, ‘Iraq: Options for a UK Military Contribution to the Wider South’.

⁸⁴ Minute Palmer to COSSEC, 24 May 2004, ‘Increased Commitments – Ameliorating the Impact on People’.

were holding up well, but there was already evidence that people were starting to feel undervalued, particularly over the issue of pay.

126. Lt Gen Palmer concluded: “Every time we increase the operational load we increase the risk of a sudden, serious downturn in retention.”

127. Section 9.2 describes discussions between Mr Blair, Ministers and senior officials on the deployment of additional troops between late May and mid-June. The extent to which personnel issues featured in those discussions is not clear.

128. On 15 June, Mr Blair, Mr Hoon, Mr Jack Straw (the Foreign Secretary), Mr Hilary Benn (the International Development Secretary), Mr Paul Boateng (Chief Secretary to the Treasury), Gen Walker and others met to discuss Iraq.⁸⁵ The meeting concluded that the UK:

“... should not close the door to the possibility of sending further UK troops. We should keep the option open until around the time of the NATO Summit [28-29 June]. But there was no pressing military reason to send them, nor were we coming under much pressure from the US to do so.”

129. On 24 June, Lt Gen Palmer provided an update on his work to develop a package of welfare measures for Mr Ingram, at his request.⁸⁶ Lt Gen Palmer advised that, with only a limited understanding of the relationship between operational tempo, separation and behaviour, he was taking a “broad view” of potential measures. These might include new financial incentives for groups under “critical stress”, enhanced separation allowances, improvements to Service Accommodation and measures to protect untaken leave.

The decision to deploy troops to Afghanistan

130. In February 2005, Mr Hoon announced that the UK intended to switch its existing military effort in Afghanistan (around 1,000 Service Personnel based in northern Afghanistan) to Helmand province.⁸⁷

131. Sir Nigel Sheinwald, Mr Blair’s Foreign Policy Adviser from 2003 to 2007, told the Inquiry that “this was a proposal ... which came from the Chiefs of Staff”.⁸⁸

132. The 21 July meeting of the Ministerial Committee on Defence and Overseas Policy (DOP) agreed in principle proposals presented by Dr John Reid, the Defence Secretary, for both the transfer to Iraqi control of the four provinces in southern Iraq for which the UK had security responsibility, and for the redeployment of the UK effort in Afghanistan

⁸⁵ Letter Rycroft to Baker, 15 June 2004, ‘Iraq: Prime Minister’s Meeting, 15 June’.

⁸⁶ Minute Palmer to PS/Minister (AF), 24 June 2004, ‘Increased Commitments – Ameliorating the Impact on People’.

⁸⁷ Paper MOD, 19 July 2005, ‘Afghanistan: Resources and Strategic Planning’.

⁸⁸ Public hearing, 16 December 2009, page 93.

from the north to Helmand province in the south, with an infantry battlegroup and full helicopter support.⁸⁹ Section 9.4 addresses the decision in detail.

133. The MOD paper which informed the decision advised that this option, which comprised “around 2,500 personnel in total”, would:

“Place greatest pressure on internal MOD resourcing. It would impact on the individual personnel deployed, particularly those in ‘pinch-point’ trades who may have been deployed on operations significantly more than Departmental guidelines advise; stretch the MOD’s logistic capability at a time when force level reductions in Iraq cannot be guaranteed; and place strain on key enablers ...”⁹⁰

134. The MOD paper concluded with a brief report on plans for UK military drawdown in Iraq. It cautioned that:

“... any substantial prolongation of the UK military commitment in Iraq at current force levels would have significant impact on individual personnel, the logistic feasibility of any commitment in Afghanistan, and overall resourcing.”

135. The minutes of the DOP meeting do not indicate that there was any discussion of the specific impact on the Iraq campaign of the proposed deployment to Helmand.⁹¹

136. Gen Jackson was briefed, in advance of a 17 January 2006 meeting with the House of Lords Defence Group, that:

“Depending on campaign progress in Iraq, there is potential for some ‘concurrency challenges’ in 2006/07. We must try to avoid ‘overstretch’, but not end up ‘under stretched’ – particularly when the competition for resources in Whitehall is so fierce.”⁹²

137. On the same day, Dr Roger Hutton, MOD Director Joint Commitments Policy, provided Dr Reid with advice on the timing and detail of the deployment of UK forces to Helmand province.⁹³ Dr Hutton advised that the Chiefs of Staff recommended the immediate deployment of the full Helmand Task Force (HTF). That recommendation was “crucially dependent” on fulfilling three criteria, including:

“Achievability within current UK commitments. The HTF, taken together with the HQ ARRC deployment, calls on a variety of capabilities, and a lengthy and complex logistic tail. With the continued commitment to Iraq through 2006, this presents significant but manageable challenges, particularly for logistic enablers (including air transport). During this period we will still be able to undertake immediate contingency operations, but on a limited basis.”

⁸⁹ Minutes, 21 July 2005, DOP meeting.

⁹⁰ Paper MOD, 19 July 2005, ‘Afghanistan: Resources and Strategic Planning’.

⁹¹ Minutes, 21 July 2005, DOP meeting.

⁹² Briefing, [undated], ‘CGS Address to House of Lords Defence Group – 17 Jan 06’.

⁹³ Minute Hutton to APS/SofS [MOD], 17 January 2006, ‘Afghanistan Deployments’.

138. Annex C to Dr Hutton’s briefing provided more detail on key issues, including the sustainability of the proposed deployment. It stated:

“It remains the case that, with likely timelines for transition in Iraq, the HTF deployment is achievable without serious damage to Harmony, though certain niche trades and capabilities (particularly air transport) will be placed under increased, but manageable, stress.”

139. The decision to deploy to Helmand was approved in Cabinet on 26 January.⁹⁴ The minutes record that Dr Reid “was looking carefully at where the burden on our troops could be reduced, including in Iraq and Bosnia and hoped to be able to report troop and cost reductions in coming months”.

140. There were different views within the MOD over the effect of the deployment on personnel. Lt Gen Palmer, DCDS(Personnel) from 2002 to August 2005, told the Inquiry that, as he left post, he expressed his concern that deploying two brigades simultaneously (to Iraq and Afghanistan) would breach the Harmony Guidelines and the Defence Planning Assumptions, and was “too big a risk”.⁹⁵

141. Sir Kevin Tebbit, MOD Permanent Under Secretary from 2001 to 2005, told the Inquiry:

“I was apprehensive [about the deployment of UK forces to Helmand] and I made my concerns known to my planning staff and to the Chiefs of Staff. I think their view was that they could do it and it was manageable ... since it was [the Chiefs of Staff] who would actually have to ensure they could do this, I did not press my objections fully.”⁹⁶

142. The impact of the decision on the availability of key equipment capabilities for Iraq is addressed in Section 14.1.

143. UK troops began to deploy to Helmand in May 2006.

Concern that the Army is “running hot”, autumn 2006

144. In August 2006, concerns emerged over the treatment of injured Service Personnel being treated on civilian wards at Selly Oak hospital in the UK, and the adequacy of the welfare package provide to them and their families. The concerns are described in Section 16.2.

⁹⁴ Cabinet Conclusions, 26 January 2006.

⁹⁵ Public hearing, 21 July 2010, page 80.

⁹⁶ Public hearing, 3 February 2010, pages 15 and 16.

145. General Sir Richard Dannatt, Commander-in-Chief Land Command, wrote to Mr Des Browne, the Defence Secretary, on 31 August setting out his most serious concerns.⁹⁷ His letter focused on the pressures on Service Personnel:

“... as an Army, we are running hot, and our operational deployments are well above planned levels set out in current Defence Planning Assumptions ... you should be aware that, in my opinion, the demands of the organisation are currently greater than our ability to provide satisfactorily for the needs of the individuals ... Quite properly, we often talk about an implied contract – the ‘military covenant’ – that as an Army we have with our soldiers and their families and I fear that it is somewhat out of balance.”

146. Gen Dannatt stated that the concerns might seem misplaced, given that current “outflow levels” of personnel (which he described as the classic gauge of morale) were low. But the cumulative effect of the high tempo of operations, short tour intervals, hectic training and activity between tours, and under-manning gave rise to “a severe risk akin to a cliff-edge experience”.

147. Gen Dannatt identified several pre-emptive actions to prevent any increase in outflow, including:

“Away from the field, I sense that basic pay for our more junior people is becoming an issue, as are some allowances, particularly those that are related to operational deployment. I am not at all sure that a take home pay of £1,150 a month is fair return for a month’s work in Helmand or Basra. But it is the standard of both single and family accommodation when our people are back home that is probably the most emotive issue ...”

148. Improvements in those areas would require a “modest shift” of resources from the Equipment Programme into the Short-Term Programme.

149. Gen Dannatt took up post as Chief of the General Staff the following month.

150. Gen Dannatt told the Inquiry:

“When the military covenant is in balance, then the engine [the Army] can do a lot of work. When the covenant is out of balance, we have problems. I think we progressively got out of balance as the amount of work we were being asked to do increased through 2005 and 2006.

“I say this not in any shape or form as a criticism of any of my predecessors, but merely as a reflection of the additional work that we were being asked to do as a consequence of decisions taken to stay in Iraq until we had successfully completed our operations there, but also take on Afghanistan as well.

⁹⁷ Letter Dannatt to Browne, 31 August 2006, [untitled].

“The way to bring the covenant back into balance was to make sure we were expending sufficient resources on looking after the legitimate needs of individuals, soldiers and their families in terms of their pay allowances, accommodation, and the equipment ... you would want to give these people.

“That’s where I think we were deficient. That’s where we had to work quite hard to get it back in balance. I know I said in 2006 the army was running hot. That is correct ... I think we were getting quite close to a seizing-up moment in 2006.”⁹⁸

151. The Inquiry asked Gen Dannatt whether work to bring the military covenant back into balance should not have begun earlier.⁹⁹ He told the Inquiry that he had no criticism of his predecessor, and that it was:

“... often easier to start something at the start of an appointment when you have had the chance to survey the landscape ... and coming from the position of Commander-in-Chief ... with time to go round the Army, [I] could sense both at home and abroad the pressures building on soldiers and their families and deciding something had to be done.”

Introduction of the Operational Allowance

152. Mr Browne’s Private Secretary wrote to No.10 on 9 October, setting out proposed new arrangements for supporting Service Personnel on operations.¹⁰⁰ The letter reported that, to reflect the current, high operational tempo and provide an immediate boost to the lowest paid Service Personnel, Mr Browne had agreed with Mr Gordon Brown, the Chancellor of the Exchequer, that the Government would introduce a tax-free Operational Allowance of £2,400 for all Service Personnel who completed a six-month tour in either Iraq, Afghanistan, the Balkans or certain other operations. Proportional amounts would be paid to those who completed shorter tours. The Allowance would be backdated to 1 April 2006.

153. The MOD had considered offering tax-free pay while on operations, but had concluded that this would not target the lowest paid and would be difficult to administer.

154. The letter also advised that the MOD would discuss the scope for abating Council Tax charges for Service Personnel deployed on operations with the Department of Communities and Local Government (DCLG). The failure of Local Authorities to exercise discretion on those charges was a “regular complaint”.

155. The letter also advised that the free telephone call allowance would be raised from 20 to 30 minutes a week.

⁹⁸ Public hearing, 28 July 2010, pages 20-21.

⁹⁹ Public hearing, 28 July 2010, page 98.

¹⁰⁰ Letter PS/Secretary of State [MOD] to Phillipson, 9 October 2006, ‘A Package for Service Personnel on Operations’.

156. In his autobiography, Gen Dannatt described the Operational Allowance as the product of “some journalistic pressure and keen discussions with the Treasury”.¹⁰¹ He also described it as the beginning of his campaign to “improve the soldiers’ lot”.

157. Mr Browne announced the introduction of the Operational Allowance on 10 October.¹⁰²

158. Mr Browne raised the issue of Council Tax charges for deployed Service Personnel with Ms Ruth Kelly, the Secretary of State for Communities and Local Government, on 19 October.¹⁰³ MOD and DCLG officials subsequently met to explore options for abating Council Tax charges. The MOD’s preferred option was a statutory discount of 25 percent (which would equate to a discount of £132 based on the average Council Tax bill).

159. Mr Browne announced in September 2007 that Service Personnel serving in Iraq and Afghanistan would receive a £140 rebate on their Council Tax bill (based on a six-month tour).¹⁰⁴

Reports on recruitment and retention

160. The NAO published a report entitled *Recruitment and Retention in the Armed Forces* in November 2006.¹⁰⁵ The report stated that, at July 2006, the trained strength of the Armed Forces stood at around 180,690 Service Personnel, a shortfall of some 5,170 (2.8 percent) against the MOD’s estimated requirement.

161. This figure masked significant shortages in 88 “pinch point” trades, where there was insufficient trained strength to perform operational tasks while enabling the Harmony Guidelines to be met. While 14.5 percent of the trained strength of the Army had exceeded the Harmony Guidelines at some point in the previous 30 months, this percentage rose to more than 33 percent for some pinch point trades.

162. The NAO concluded:

- Although the Armed Forces had consistently operated at or above the most demanding combination of operations envisaged by the Defence Planning Assumptions (DPAs) since 2001, and the MOD expected that this would continue to be the case for some time, the Armed Forces’ manning requirements had not been adjusted to reflect the current levels of activity. The NAO reported that, while the MOD accepted that operating at that level could result in it placing additional strains on its people, the DPAs were guidelines only and were not intended to constrain decisions taken on the employment of the Armed Forces.

¹⁰¹ Dannatt, R. *Leading from the Front*. Bantam Press, 2010.

¹⁰² BBC, 10 October 2006, *Soldiers to get ‘tax bill’ bonus*.

¹⁰³ Minute Baker to PS/SoS [MOD], 8 December 2006, ‘An Improved Package for Service Personnel on Operations – Council Tax Discounts/Rebates’.

¹⁰⁴ *The Guardian*, 26 September 2007, *Council tax rebates for war zone soldiers*.

¹⁰⁵ National Audit Office, *Recruitment and Retention in the Armed Forces*, November 2006.

- There were signs that the numbers of Service Personnel choosing to leave the Armed Forces early were beginning to increase for some key groups.
- A variety of factors influenced Service Personnel in their decisions to leave the Services, but workload, separation and the impact on family life were key factors.
- Service Personnel considered that the increased operational tempo had led to heavier workloads and more separation from families.

163. The NAO reported that the MOD was successfully using a range of short-term measures (including financial incentives) to improve retention and alleviate under-manning.

164. The NAO also reported that the MOD was facing current and future challenges to its ability to recruit sufficient numbers of new entrants as a result of demographic changes, changing attitudes to careers, and negative publicity affecting public perceptions of the Armed Forces. The MOD was taking steps to respond to each of those challenges.

165. The NAO made a number of recommendations, including:

“The Department should review the overall manning requirements within individual operational pinch point trade groups to determine whether they are set at sufficient levels to support enduring operational commitments.

“The Department is constrained in its ability to reduce the operational tempo, which is impacting on personnel, but should look to investigate measures to provide greater stability and certainty of work patterns for personnel between operational deployments. Whilst recognising the limitations in how much workload can be reduced, the Department should look to improve its ability to let serving personnel know their work patterns over a longer time horizon.”

166. Mr Bill Jeffrey, MOD Permanent Under Secretary, responded to these conclusions later that month in his evidence to the Public Accounts Committee (PAC) during its consideration of the NAO’s report.¹⁰⁶ He argued that frequency of deployment was only one factor in people’s decisions to stay or leave, and that polling and opinion survey evidence suggested that it was not quite as significant a factor as it might appear.

167. Mr Jeffrey told the PAC that he agreed with the view expressed by Ministers, that the Armed Forces were “stretched quite significantly, by the combination of deployments in Iraq and Afghanistan with other things”, but not overstretched. He described overstretch as the inability of the Armed Forces to fulfil the tasks allocated to them.

¹⁰⁶ Public Accounts Committee, Session 2005-2006, *Ministry of Defence: Recruitment and retention in the armed forces*, 15 November 2006. Uncorrected transcript of Oral Evidence given by Mr Bill Jeffrey CB, Permanent Secretary, Mr Chris Baker OBE and Brigadier Stephen Andrews CBE, Ministry of Defence.

168. He also stated that there was not a direct link between the MOD's Defence Planning Assumptions and the "degree of stretch". Each operation was different and required different capabilities. Deployments in Iraq and Afghanistan had stretched different capabilities to different degrees; it was a "matter of military judgement" whether the Armed Forces were overstretched. Manning requirements (which flowed from the Defence Planning Assumptions) would be reviewed at the next spending review.

169. In early March 2007, Gen Dannatt wrote to Mr Browne:

"Two overall themes dominated my introductory letter [of 31 August 2006]: the Army is running hot; and the 'military covenant' is out of balance. I am pleased to say that I think both these concerns are now well understood across the Department and, importantly, we are taking steps to address both. Nevertheless ... the level of operational commitments is still well above Defence Planning Assumptions and looks set to remain so for some years. There is now an acceptance, however, that the Army is effectively *fully* operationally committed and hence any rebalance between theatres – as we will undertake this year in Iraq and Afghanistan – has to be a 'zero sum'..."¹⁰⁷

170. Gen Dannatt:

- welcomed the Operational Allowance and the recent pay award which together sent Service Personnel a "powerful message" on how highly they were valued;
- confirmed that the "general care" provided to casualties was, slowly, improving; the issue would continue to require constant, senior level attention; and
- restated his concerns that there was a risk of a "cliff-edge fall" in Army manning (although retention was holding up, recruitment was falling).

171. The PAC published its report on recruitment and retention in the Armed Forces in June 2007.¹⁰⁸ It echoed the conclusions and recommendations of the NAO's November 2006 report. The PAC reported that:

"Deployments overseas have been more frequent because the Department has been operating above Defence Planning Assumptions for several years and manning levels have not kept pace with commitments ... Decisions about whether the Armed Forces can undertake operations above the Assumptions are matter of military judgement. The Department intends to review [the] Defence Planning Assumptions and the funding of the Armed Forces in the light of the demands placed on them, as part of the next Comprehensive Spending Review."

¹⁰⁷ Minute CGS to SofS [MOD], [undated], [untitled].

¹⁰⁸ Thirty-fourth Report from the Public Accounts Committee, Session 2006-2007, *Recruitment and Retention in the Armed Forces*, HC43.

172. The PAC concluded:

“The increasing frequency of deployments on overseas operations and time away from home are factors causing people to leave the Armed Forces. More than 15 percent of Army Personnel are away from home more often than is planned for under the Department’s ‘Harmony’ Guidelines which are being consistently broken. The Department has little scope to reduce the operational tempo which is impacting on personnel but in case of enduring operations, such as those in Iraq and Afghanistan, it needs to provide people with greater stability of work patterns.

“There are indicators of overstretch in specific areas, such as the severe shortfalls in personnel in some specialist trades, such as nurses, linguists and leading hands, and the routine breaking of harmony guidelines. The longer this situation continues the more it will begin to affect operational capability. The Department maintains that the Armed Forces are stretched, but not overstretched, and would only be overstretched if there was a failure to meet military commitments. But the Department also needs to ascertain the ‘tipping points’ where the degree of stretch itself precipitates the loss of scarce skills, putting operational capability at risk.”

173. The Inquiry asked AM Pocock what he understood by the concept of “overstretch”.¹⁰⁹ He told the Inquiry:

“This is a subject where it is easy to let the heart rule the mind. If we are going to be completely objective about it, I would say there are two things ... can we retain our people? And ... are we doing them long-term harm? The first one, for virtually the whole period of the 2000’s, certainly up to 2007, retention was virtually static. The Services were short of people, yes, but that was largely down to recruitment issues ...

“On the subject of, ‘Were we doing our people harm?’ we didn’t know, but we were looking really hard [at that issue] ...”

174. Vice Admiral (VAdm) Peter Wilkinson, Deputy Chief of Defence Staff (Personnel) from 2007, added that, in his view, the Harmony Guidelines provided a useful, objective measure of the degree of stretch:

“I think they [the Harmony Guidelines] were a very good check on the department to make sure they understood, perhaps better than before, what actually they were asking of their people.”¹¹⁰

¹⁰⁹ Public hearing, 19 July 2010, pages 70-71.

¹¹⁰ Public hearing, 19 July 2010, page 72.

175. Lt Gen Mans told the Inquiry:

“... recruiting is quite a complex area, so although ... on balance, I think Iraq was positive [for recruitment], there were some other issues which made recruiting more difficult. At this stage, the economy in the country was doing very well and, therefore, unemployment was comparatively low. Therefore, we were competing for recruits in quite a difficult market in that respect. There were other issues associated with the phrase that has been used before, ‘gatekeepers’, parents and teachers. Were they actually going to encourage either their children or their pupils to join the military? Well, on balance, they probably weren’t, in terms of that sort of overall perception. So overall, you had to take into consideration all these other rather complex factors, because the army was under-recruited during the period in question.”¹¹¹

The impact of operations on the Harmony Guidelines

176. The MOD told the Inquiry that, since 2002, the Armed Forces had been consistently operating at or above the level of concurrency defined in SDR 98.¹¹² That had “inevitably constrained” their ability to meet Harmony Guidelines particularly for Service Personnel in “Pinch Point specialist trades”.

177. The MOD provided the Inquiry with figures for the percentage of Service Personnel in each Service for whom the Harmony Guidelines on Individual Separated Service were breached between 2002 and 2009; these figures are presented at the end of this Section.¹¹³ The Navy’s Guidelines were breached in respect of less than 1 percent of Navy Personnel in each of the years covered by the Inquiry. The Army’s Guidelines were breached in respect of over 18 percent of Army Personnel in early 2004 (the first period for which data is available), falling to 10 percent in early 2007. The RAF’s Guidelines were breached in respect of between 2 and 10 percent of RAF Personnel over the period covered by the Inquiry.

178. Professor Christopher Dandeker, Professor of Military Sociology at King’s College London and Co-Director of the King’s Centre for Military Health Research, told the House of Commons Defence Committee in March 2008:

“... so far as our own research is concerned ... I think that the Harmony Guidelines have been well constructed because the evidence suggests that if you stay within them they [Service Personnel] do not suffer; if you go beyond them there is a 20 to 50 percent likelihood that they will suffer in terms of PTSD [Post Traumatic Stress Disorder].”¹¹⁴

¹¹¹ Public hearing, 19 July 2010, pages 79-80.

¹¹² Paper MOD, 25 November 2009, ‘Harmony Guidelines’.

¹¹³ Paper MOD, 22 October 2010, ‘Harmony – Statistics’.

¹¹⁴ Fourteenth Report from the Defence Committee, Session 2007-2008, *Recruiting and retaining Armed Forces personnel, Oral and Written Evidence (25 March 2008)*, HC424.

179. In his evidence to the Inquiry, AM Pocock questioned whether Professor Dandeker was right to suggest that the Harmony Guidelines were an appropriate basis for assessing the effect of operational deployment on individuals.¹¹⁵ The Guidelines had been derived in a straightforward way from the planning assumptions used in SDR 98 (“what operations have we got? How many people have we got? ... that means that they can spend this long away”). AM Pocock’s focus had been on the broader relationship between time deployed on operations and the risk of mental health issues.

180. Lt Gen Palmer told the Inquiry that, while his “prime concern” with regard to reducing tour intervals was for individuals, he was also concerned that reduced tour intervals could affect operational capability, as units would not be able to undertake collective training and other development and preparatory activities.¹¹⁶

Rebuilding the military covenant

181. In September 2007, in response to growing concerns that the military covenant was being steadily undermined, the Royal British Legion (RBL) launched its “Honour the Covenant” campaign.¹¹⁷ The RBL argued that the covenant was being breached with respect to three key issues:

- the operation of the Armed Forces Compensation Scheme;
- healthcare and welfare support for serving Service Personnel, their dependants and veterans; and
- support for bereaved families at inquests.

182. In July 2008, partly in response to that campaign and the support it generated, the Government published a command paper entitled *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans* (known as the *Service Personnel Command Paper*).¹¹⁸ The paper was underpinned by two principles:

- to end any disadvantage that armed service imposes upon Service Personnel, their families and veterans; and
- to better support and recognise those who have been wounded in the service of their country.

183. The paper covered a wide range of topics: compensation, health, housing, education and skills, transport, support for families, benefits, careers and pay.

¹¹⁵ Public hearing, 19 July 2010, pages 68-70.

¹¹⁶ Public hearing, 16 July 2010, page 77.

¹¹⁷ House of Commons Library, Standard Note SN/IA/5979, 9 June 2011, *Armed Forces Covenant*.

¹¹⁸ Command Paper, July 2008, *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, Cm 7424.

184. Mr Bob Ainsworth, the Minister of State for the Armed Forces, described the production of the Command Paper to the Inquiry as an:

“... opportunity ... to get for the first time at every single area of Government and deal with the things that had never been given the importance that they had been given before. There are lots of ways in which Government accidentally, local Government and central Government, discriminates against our Armed Forces because of the juxtaposition of the way that services are delivered and the way that we make them work and the way that we keep moving them around ... So in the Services Personnel Command Paper what I wanted to try to do was sweep up as many of those complaints as there were, analyse them, see whether or not there was a reality to them and have them dealt with as a one-off process, but set up an ongoing process.”¹¹⁹

185. Mr Ainsworth went on to describe how the Command Paper was used to co-ordinate the Government’s response to veterans’ needs, including on issues which had not been explicitly considered in the paper:

“We had the Prime Minister’s stamp on the *Service Personnel Command Paper*. We were able to use that as we went round different departments and say ‘This is the Government’s intent’ ...

“I had problems from different Departments, but that’s understandable ... Government tends to work in silos ... So you have to go political in order to get those things sorted out.”¹²⁰

186. VAdm Wilkinson told the Inquiry that the implementation of the Command Paper had been challenging, but that progress had been made:

“The challenges were that there was very little new money attached to the proposals and therefore, to gain the support of other Government departments was very difficult ... the second challenge was to make the gains made enduring. I think we have achieved both of those, in that other Government departments were made to change their plans and programmes to take account of the Command Paper ...”¹²¹

187. In May 2010, the new Government committed to “work to rebuild the Military Covenant”.¹²²

188. An independent Task Force on the Military Covenant, chaired by Professor Hew Strachan, was established in summer 2010 to inform that work.¹²³ The Terms of

¹¹⁹ Public hearing, 6 July 2010, pages 5-6.

¹²⁰ Public hearing, 6 July 2010, pages 24-25.

¹²¹ Public hearing, 19 July 2010, page 100.

¹²² HM Government, *The Coalition: our programme for government*, May 2010.

¹²³ Task Force on the Military Covenant, September 2010, *Report of the Task Force on the Military Covenant*.

Reference of the Task Force were to identify innovative ways in which the Government, and society as a whole, could fulfil its obligation to rebuild the covenant.

189. The Government published a written *Armed Forces Covenant* in May 2011.¹²⁴

The *Covenant* incorporated a number of the Task Force's recommendations. The *Covenant* stated that members of the Armed Forces should expect respect, support and fair treatment in return for the sacrifices they made on behalf of the nation. The *Covenant* set out two core principles:

- No current or former member of the Armed Forces, or their families, should be at a disadvantage compared with other citizens in the provision of public and commercial services.
- Special consideration was appropriate in some cases, particularly for those who had been injured or bereaved.

190. These core principles were enshrined in law in the Armed Forces Act 2011.¹²⁵

The Act did not create legally enforceable rights for Service Personnel, but required the Defence Secretary to report annually to Parliament on the Covenant with a particular focus on four areas: healthcare, education, housing and the operation of inquests.

191. The Inquiry's conclusions and lessons on the pressures on Service Personnel and the support provided to them and their families are set out in Section 16.4.

¹²⁴ Ministry of Defence, *The Armed Forces Covenant*, 16 May 2011.

¹²⁵ Armed Forces Act 2011.

Table 2: Percentage of Service Personnel for whom the Harmony Guidelines on Individual Separated Service were breached¹²⁶

Year	Royal Navy	Army	RAF
2002/03 Q1	<1	No Record	5.3
2002/03 Q2	<1	No Record	5.4
2002/03 Q3	<1	No Record	5.1
2002/03 Q4	<1	No Record	5.0
2003/04 Q1	<1	No Record	6.8
2003/04 Q2	<1	No Record	6.2
2003/04 Q3	<1	No Record	6.2
2003/04 Q4	<1	18.1	5.4
2004/05 Q1	<1	17.0	3.6
2004/05 Q2	<1	16.8	3.8
2004/05 Q3	<1	15.5	3.6
2004/05 Q4	<1	15.5	3.9
2005/06 Q1	<1	15.6	4.1
2005/06 Q2	<1	15.3	4.1
2005/06 Q3	<1	15.1	4.2
2005/06 Q4	<1	14.5	3.9
2006/07 Q1	<1	14.0	2.9
2006/07 Q2	<1	13.4	1.7
2006/07 Q3	<1	12.4	5.2
2006/07 Q4	<1	10.3	6.2
2007/08 Q1	<1	Not available	6.7
2007/08 Q2	<1	Not available	9.2
2007/08 Q3	<1	Not available	10.0
2007/08 Q4	<1	Not available	9.2
2008/09 Q1	<1	Not available	9.4
2008/09 Q2	<1	Not available	6.1
2008/09 Q3	<1	Not available	5.9
2008/09 Q4	<1	Not available	5.9
2009/10 Q1	<1	Not available	5.4
2009/10 Q2	<1	Not available	5.0

¹²⁶ Paper MOD, 22 October 2010, 'Harmony – Statistics'. The MOD informed the Inquiry that no data was available for the Army for the period Q1 2007/08 onwards due to migration to a new personnel administration system. The reporting baseline for the RAF's Harmony Guidelines changed from Q2 2008/09.

SECTION 16.2

SUPPORT FOR INJURED SERVICE PERSONNEL AND VETERANS

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Introduction

1. This Section addresses:

- the arrangements for providing medical care to Service Personnel;
- the provision of medical care and welfare support for seriously injured Service Personnel and their families; and
- the support provided for veterans.

2. The welfare support provided to Service Personnel and their families is addressed in Section 16.1.

3. The preparations made for repatriating the bodies of those who lost their lives serving on Op TELIC, how their deaths were investigated, and the support provided for bereaved families are addressed in Section 16.3.

4. The decision to deploy to Helmand province in Afghanistan, and the implications of that decision, are addressed in Section 9.

System for providing medical care for Service Personnel

5. The healthcare system in the UK comprises three tiers:

- Primary care is provided at the first point of consultation, including by General Practitioners (GPs).
- Secondary care is provided by medical specialists who do not usually have first contact with patients, including in a hospital. It includes acute care.
- Tertiary care is specialised consultative healthcare, for example for cancer management.

6. Primary care for Service Personnel in the UK and Service base areas overseas is provided by the MOD's Defence Medical Services (DMS).¹

7. Secondary care for Service Personnel is generally provided within the National Health Service (NHS).

8. Following the closure of military hospitals in the 1990s, the Government established five MOD Hospital Units (MDHUs) within NHS Trusts. MDHUs are not discrete military wards or units, but comprise medical Service Personnel (including substantial numbers of Reservists) integrated into a host NHS Trust. MDHUs:

- provide accelerated access for elective referrals of Service Personnel, to meet operational requirements; and
- allow medical Service Personnel to develop and maintain their skills.

¹ Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327.

9. In April 2001, the MOD established the Royal Centre for Defence Medicine (RCDM) within the University Hospital Birmingham Foundation Trust (UHBFT), as “a centre of military medical excellence, with academic, teaching and clinical roles”.

10. During the period covered by the Inquiry, the main receiving centre for casualties evacuated from operational theatres was RCDM Selly Oak (one of the hospitals within the UHBFT).²

11. If Selly Oak was unable to cope with the flow of casualties, the Government could activate the Reception Arrangements of Military Personnel (RAMP) plan, engaging the wider NHS in the treatment of military casualties.

12. Military patients requiring further rehabilitation once released from hospital might be referred to the Defence Medical Rehabilitation Centre (DMRC) at Headley Court in Surrey, the principal medical rehabilitation centre run by the Armed Forces.³ DMRC Headley Court also accepted direct admission from hospitals, and most combat casualties were referred directly to DMRC Headley Court from RCDM Selly Oak.

13. DMRC Headley Court provided both physiotherapy and group rehabilitation for complex musculo-skeletal injuries, and neuro-rehabilitation for brain-injured patients.

14. Operation TELIC was the first major military operation after the closure of the military hospitals in the 1990s. Many medical Service Personnel were therefore withdrawn from NHS Trusts, and military casualties were treated in NHS Trusts.

15. Tertiary care for Service Personnel is provided by the NHS.

16. From 2002, the MOD reconfigured its mental health services to focus on community rather than in-patient services, including by establishing 15 military Departments of Community Mental Health (DCMH) throughout the UK to provide out-patient mental healthcare for Service Personnel.⁴

17. From 2004, in-patient mental healthcare was provided by The Priory Group of hospitals, through a contract with the MOD.

18. Those changes were in line with NHS best practice, which held that individuals should be treated in as normal an environment as possible, close to their units, families and friends.

19. The Ex-Services Mental Welfare Society (generally known as Combat Stress) runs three short-stay residential treatment centres for men and women who have served in

² Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327, paragraph 21.

³ Paper MOD, 28 June 2010, ‘Medical Input to Ainsworth Brief’.

⁴ Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327.

the Armed Forces or the Merchant Navy. The MOD meets the cost of fees charged by Combat Stress for “remedial treatment” at the three centres.⁵

20. Veterans’ healthcare is generally provided by the NHS. Charities and welfare organisations also play an important role.

Medical care during the combat phase of operations

Planning and preparing to provide medical care

21. In July 2002, the MOD defined three options for a UK contribution to US-led military operations in Iraq:

- Package 1 – an “in-place support package” using forces already in the region;
- Package 2 – an “enhanced support package” comprising Package 1 with additional air and maritime forces; and
- Package 3 – a “discrete UK package” based on deployment of an armoured division, in addition to the forces in Package 2.⁶

22. Those three options provided the broad framework for discussions within the UK Government until the end of 2002.

23. A Strategic Medical Estimate was prepared for the MOD’s Strategic Planning Group on 1 September 2002.⁷ The Estimate – which assumed an entry into Iraq from Turkey – set out the expected number of Role 3 hospital admissions from an operation in Iraq, as a basis for medical planning:

- 157 (best case) to 241 (worst case) battle casualties;
- 152 (best case) to 212 (worst case) casualties from chemical warfare;
- 15 percent of those exposed to biological warfare; and
- 34 Disease and Non-Battle Injuries (DNBI) a day.

24. The Estimate stated that 55 individuals a week would require medical evacuation back to the UK.

⁵ Paper MOD, 29 June 2010, ‘Veterans Mental Health’.

⁶ Letter Watkins to Rycroft, 26 July 2002, ‘Iraq’.

⁷ Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, ‘Iraq Inquiry – Request for Evidence’.

Structure of medical support to operations

Military medical support was organised in four tiers, on the basis of the medical capabilities and resources available:

- Role 1 (broadly equivalent to Echelon 1 for maritime forces) medical support was integral or allocated to a small unit, and included the capabilities for providing first aid, immediate lifesaving measures, and triage.
- Role 2 support was normally provided at larger unit level, and included pre-hospital care.
- Role 3 support was normally provided at Division level and above. It included specialist diagnostic resources, and specialist surgical and medical capabilities. Support would usually be provided in field hospitals and (as Echelon 3) in hospital ships.
- Role 4 support was the definitive hospital and rehabilitative care of patients. That would usually be provided in the UK.⁸

25. General Sir Kevin O'Donoghue, Deputy Chief of Defence Staff (Health) (DCDS(H)) from September 2002 to 2004, told the Inquiry that medical planning was "quite advanced" by the time he took up post.⁹ Staffing plans were in place and gaps in medical equipment and supplies had been identified, although approval had not yet been received to begin procurement to fill those gaps.

26. On 31 October, Mr Blair agreed that the UK should offer Package 3 to the US on the same basis as Package 2, for planning purposes.¹⁰

27. In early December, an MOD official invited Mr Geoff Hoon, the Defence Secretary, to agree that the MOD should hold detailed talks with the Department of Health (DoH) on the withdrawal of Regular and Reserve medical personnel from the NHS, and on the reception of casualties under the RAMP.¹¹ Package 3 would require around 2,000 medical personnel, of whom approximately 60 percent would be Reservists. The majority of those Reservists would be working within the NHS; their withdrawal would have a "local impact". DoH was pressing the MOD for details on the withdrawal of medical Reservists.

28. The official also advised that the procurement of medical equipment through the Urgent Operational Requirement (UOR) mechanism to support Packages 0 (Special Forces only) and Package 1 was under way. The Treasury was expected to authorise procurement of medical equipment to support Package 2 shortly. The MOD's Directorate of Capability, Resources and Scrutiny (DCRS) had not yet approved the business case

⁸ NATO, *Logistics Handbook*, October 1997.

⁹ Public hearing, 14 July 2010, pages 4-5.

¹⁰ Letter Wechsberg to Watkins, 31 October 2002, 'Iraq: Military Options'.

¹¹ Minute PS/VCDS to PS/Secretary of State [MOD], 6 December 2002, 'Medical Support to Operations against Iraq'.

for the medical equipment to support Package 3; that approval, and the subsequent Treasury authority to commence procurement, was needed as soon as possible.

29. The official advised that in “about three months time” the DMS would have “minimised medical risk by being properly equipped in mission critical areas”.

30. On 11 December, Gen O’Donoghue told the Chiefs of Staff that the DoH had been engaged on Iraq planning, and had responded “positively and pragmatically”.¹²

31. The DCRS agreed the business cases for the medical modules (packages of equipment and supplies) to support Package 3 on 16 December.¹³ The modules were expected to achieve “full capability in theatre” on 15 March 2003.

32. At the beginning of 2003, in the light of continued uncertainty on whether Turkey would agree to the use of its territory by Coalition ground forces, the focus of UK military planning shifted from the North to the South of Iraq (see Sections 6.1 and 6.2).

33. The Permanent Joint Headquarters (PJHQ) assessed that the shift made the UK medical mission “less demanding in terms of supporting manoeuvre”.¹⁴ A revised Estimate specified that the Role 3 medical support required:

- the Royal Fleet Auxiliary (RFA) Argus, as the Primary Casualty Receiving Facility (PCRF), with 100 beds;
- two 200-bed field hospitals deployed;
- a third 200-bed field hospital in reserve;
- casualty staging flights through Cyprus; and
- the augmentation of the Princess Mary Military Hospital in Cyprus.

34. RFA Argus deployed on 15 January and was operational in the North Arabian Gulf by mid-February.

35. Mr Alan Milburn, the Health Secretary, wrote to Mr Hoon on 10 March to inform him that the DoH was ready to activate the RAMP, when required.¹⁵

36. Mr Hoon was advised by PJHQ on 14 March that an “effective medical capability”, scaled to the expected number of casualties, was now operational in theatre.¹⁶ Arrangements were also in place for the aeromedical evacuation of casualties to the UK.

¹² Minutes, 11 December 2002, Chiefs of Staff meeting.

¹³ Minute MOD/DCRS [junior official] to APS/SoS [MOD], 31 January 2003, ‘Possible Operations against Iraq UOR List, 31 January 2003’.

¹⁴ Report PJHQ, July 2003, ‘Operation TELIC 1 – Medical Post Operation Report’.

¹⁵ Letter Milburn to Hoon, 10 March 2003, ‘Military Deployment to the Middle East: the NHS’s Responsibilities’.

¹⁶ Minute PJHQ [junior official] to PS/SoS [MOD], 14 March 2003, ‘Op TELIC – Casualty Treatment and Management Arrangements’.

37. Gen O'Donoghue told the Inquiry that by 19 March, when military operations against Iraq began, there remained some "shortfalls" in medical modules:

"We had worked out what equipment we needed. We were allowed to discuss that informally with industry in, I think, mid-November. We weren't allowed to place the orders until early to mid-December, which we did with £34m/£35m worth of UORS, and those came in between then and March.

"Some items may not have arrived by March, but they came fairly shortly afterwards and we topped up the modules."¹⁷

38. Sections 6.3 and 13 describe the development and approval of UOR business cases within the MOD and discussions with the Treasury on funding UORs. A mechanism for funding UORs was agreed between Mr Hoon and Mr Brown on 23 September; the mechanism did not require individual UORs to be agreed by the Treasury. Mr Hoon agreed that the MOD could begin discussions with industry on the provision of UORs on 2 December.

39. Brigadier Alan Hawley, Commander Medical of the Joint Force Logistic Command during Op TELIC 1 (which covered the initial combat phase of military operations in Iraq), told the House of Commons Defence Committee in October 2003:

"From where I was, no one informed me of any clinical care that was compromised by a lack of equipment. I have to say that it was very tight."¹⁸

40. Brig Hawley assessed that a number of factors had combined to produce that "rather tight, fraught situation", including the late release of money for UORs, a new process for building medical equipment modules, and a change in responsibility for medical supply from the medical to the logistical Command.

41. Vice Admiral Ian Jenkins, Surgeon-General from 2002 to 2006, agreed with Brig Hawley's assessment:

"... I can categorically assure you that clinical outcomes [during Op TELIC 1] were uncompromised. Yes there were problems with supply, equipment and everything else, mobilisation of Reserves, support ... but the clinical outcomes were first class. I can put my hand on my heart and say that nobody suffered inappropriately because of a lack of medical requirement."¹⁹

¹⁷ Public hearing, 14 July 2010, page 7.

¹⁸ Defence Committee, *Examination of Witnesses (Questions 1176-1179)*, 22 October 2003, Q 1211.

¹⁹ Defence Committee, *Examination of Witnesses (Questions 1176-1179)*, 22 October 2003, Q 1217.

42. Lieutenant General Louis Lillywhite, the Director General of Army Medical Services from 2003 to 2005 and Surgeon General from 2006 to 2009, told the Inquiry that cost had not been an issue in providing medical care:

“As far as care on operations are concerned, it is effectiveness that counts, not cost-effectiveness. As far as providing care for Servicemen was concerned, I was – I personally, and I have to say Ministers supported me – did not allow cost to be an issue. If it was required, it was provided.”²⁰

43. A July 2003 MOD report on Op TELIC 1 stated that the medical component of the deployment was fully staffed, with 2,800 medical staff including 760 Reservists.²¹ Trained psychiatric staff were also deployed.

Arrangements for supporting mental health

44. Lt Gen Lillywhite described for the Inquiry, the Armed Forces’ general approach to identifying and tackling mental health issues at the beginning of Op TELIC:

- using initial and subsequent training to identify individuals with less ability to withstand stress, and to help prepare people to withstand stress;
- training commanders to identify issues as early as possible; and
- deploying field psychiatric teams to help identify those “who had true psychological disability, that ... needed care and evacuation or simply support and return to duty”.²²

45. Prior to deployment on Op TELIC, Royal Navy and Army units received a pre-deployment presentation by a psychiatrist or community psychiatric nurse (or non-medical personnel if medical personnel were unavailable).²³ As the RAF deployed as individuals rather than formed units, it produced an equivalent booklet for all deploying personnel.

46. The Services also prepared post-deployment stress prevention packages, comprising two handouts and a post-operational psychological briefing.

47. MOD demobilisation policy at the beginning of Op TELIC required that:

- At the end of an operational tour but while still in theatre, all individuals should attend a presentation and be given an information leaflet covering post-traumatic stress reactions and the problems that might be encountered on returning home to families. Families should be offered a presentation and information leaflets on the possible after-effects of an operational deployment.

²⁰ Public hearing, 20 July 2010, page 73.

²¹ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

²² Public hearing, 20 July 2010, pages 54-55.

²³ Minute DMSD/MOD to USoS [MOD], 2 April 2003, ‘Op TELIC – Personnel Repatriated for Medical Reasons’.

- All personnel should undertake a period of “normalisation”, lasting two to three days, before taking post-operational tour leave. It would usually be spent on routine duties. This requirement stemmed from the MOD’s assessment that:
 - The immediate release of personnel after an operational tour could be a contributory factor to the likelihood of developing post-conflict syndromes.
 - Personnel should be given time to deal with issues raised by combat in the company of those who understood and had shared those experiences.²⁴

48. This policy applied to Reservist as well as Regular Personnel.

49. Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) (DCDS(Personnel)), wrote to General Sir Mike Jackson, Chief of the General Staff, on 23 April 2003, advising:

“At this morning’s Op COS meeting you mentioned concerns among some of the deployed Personnel that their return to the UK was being delayed because of the requirement for a period of ‘normalisation’ ...

...

“Ultimately the implementation of the overall policy guidance lies with PJHQ and the FLCs [Front Line Commands] ... However, the lessons learned from the last Gulf Conflict in particular have demonstrated how important it is – not least in terms of demonstrating due diligence – that we are rigorous in adopting formal procedures to reduce the risks and incidence of psychological illness.”²⁵

Delivery of medical care

50. The MOD reported in July 2003 that more than 4,000 British patients had been treated in British field hospitals, and over 800 evacuated to the UK by air, during the deployment and combat phases of Op TELIC.²⁶ The majority of those patients had suffered disease and non-battle injuries.

51. Around 200 Iraqi Prisoners of War and 200 Iraqi civilians had also been treated in British medical facilities.

52. The number of admissions to Role 3 hospitals during Op TELIC 1 are set out in the table below.²⁷

²⁴ Paper DFRC/MOD, 16 April 2003, ‘Operation TELIC – Demobilisation’.

²⁵ Minute DCDS(Pers) to CGS, 23 April 2003, ‘Op TELIC – Normalisation’.

²⁶ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

²⁷ Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, ‘Iraq Inquiry – Request for Evidence’.

Table 1: Admissions to Role 3 hospitals during Op TELIC 1

	Expected number of admissions ²⁸	Actual number of admissions
Battle casualties	157-241	81
Casualties from chemical warfare	152-212	0
Casualties from biological warfare	15 percent of those exposed	0
Disease and Non-battle Injuries	34 a day	31 a day
Medical evacuations	55 a week	90 a week

53. In July, PJHQ assessed that medical support during Op TELIC had been “a success by any measure”.²⁹ The aeromedical evacuation of casualties (by VC 10 to Cyprus then by civilian aircraft to the UK) had been particularly effective.

54. PJHQ reported that some evacuated Service Personnel were nursed in NHS hospitals without other military patients and had therefore lacked “peer support”.

55. The issue of treating injured Service Personnel in NHS hospitals, and on civilian wards, would come to prominence in 2006.

56. Lt Gen Lillywhite told the Inquiry that in the early part of Op TELIC, the MOD did not have the data to make an objective assessment of the effectiveness of emergency care.³⁰ Analysis of data relating to later phases of Op TELIC indicated that UK medical support was achieving a significantly greater than expected survival rate.

57. Gen O'Donoghue told the Inquiry that the DMS drew two major lessons from its experience during the invasion:

- It needed more Regular medical Personnel, to take account of the limited time that any individual could spend in theatre given their NHS commitments and the need to retain “medical dexterity”.
- UORs allowed DMS to respond to particular threats and secure the latest equipment, but it needed more equipment and supplies “on the shelves” ready to deploy.³¹

58. Lt Gen Lillywhite described a number of changes in the provision of medical care after Op TELIC 1.³² During Op TELIC 1, the MOD generally used armoured ambulances to move casualties from aid posts to medical regiments and a mixture of ambulances and helicopters to get from (Role 2) medical regiments to hospital. From Op TELIC 2, the military generally used helicopters to move from the point of wounding or the aid post to hospital.

²⁸ As defined in the 1 September 2002 Strategic Medical Estimate. Figures for battle casualties and casualties from chemical warfare represent best and worse case estimates respectively.

²⁹ Report PJHQ, July 2003, ‘Operation TELIC 1 – Medical Post Operation Report’.

³⁰ Public hearing, 20 July 2010, pages 14-16.

³¹ Public hearing, 14 July 2010, pages 16-17.

³² Public hearing, 20 July 2010, pages 22-23.

59. Lt Gen Lillywhite told the Inquiry that he had not experienced any problems in securing sufficient helicopters for those medical moves.

Support for injured Service Personnel and their families

60. The number of casualties and aeromedical evacuations relating to Op TELIC are set out in the table below.³³ The figures for 2003, 2004 and 2005 reflect military casualties only; the figures for 2006 onwards reflect military and civilian casualties.

Table 2: Casualties and aeromedical evacuations relating to Op TELIC

Year	Casualties			Aeromedical evacuations
	Total	Very Seriously Injured or Wounded	Seriously Injured or Wounded	
2003	46	14	32	
2004	45	14	31	
2005	20	5	15	
2006	32	11	21	701
2007	69	24	45	603
2008	9	5	4	433
2009	1	0	1	234
Total	222	73	149	1,971

Establishing a Military Managed Ward at Selly Oak hospital

61. MOD Ministers and senior military officers made regular visits to injured Service Personnel, both in the UK and Iraq.³⁴

62. Mr Blair made a private visit to RCDM Selly Oak in February 2005.

63. Mr Des Browne, the Defence Secretary, visited RCDM Selly Oak on 15 August 2006.

64. Lt Gen Freddie Viggers, the Adjutant General, visited RCDM Selly Oak on 21 August.³⁵ He reported on 22 August that:

- The quality of clinical care was excellent.
- Morale among military medical staff was “fragile”, due to under-manning, the joint military/civilian structure, and the physical environment.
- Wounded soldiers wanted to be looked after in a military environment “within which they can be with their mates, be looked after by named military nurses

³³ DASA, [undated], *Op TELIC Casualty and Fatality Tables: 1 January 2003 to 31 July 2009*. The figure for 2009 is to 31 July 2009. Casualty figures exclude casualties due to natural causes.

³⁴ Minute Batchelor to PS/SoS [MOD], 13 August 2006, ‘Preparatory Brief for Visit to RCDM HQ on Tuesday 15 Aug 06 of the Rt Hon Des Browne MP Secretary of State for Defence’.

³⁵ Minute AG to DCDS (Health), 22 August 2006, ‘Visit to Royal Centre for Defence Medicine (RCDM) – 21 August 2006’.

and be treated like soldiers (including security)". Enhancing the military environment was "essential" for soldiers' physical and psychological recovery.

- It was iniquitous that soldiers being treated at the RCDM Selly Oak lost their entitlement to the Operational Welfare Package (OWP) and some other allowances. The OWP would provide much of the support (including TVs, DVDs and telephone calls) that were currently being provided from "assorted non-public funds" or paid for by the soldiers themselves.

65. Lt Gen Viggers identified a number of immediate actions, including:

- informing wounded personnel what the MOD was planning to do to create a military environment;
- starting to create that military environment, by putting soldiers together in one area of a ward; and
- extending the OWP to patients.

66. On 23 August, General Sir Timothy Granville-Chapman, Vice Chief of Defence Staff (VCDS), reported that Mr Browne had given him a "very thorough de-brief" on his 15 August visit to RCDM Selly Oak.³⁶ Key points included:

- Mr Browne was "very seized" with the need for injured personnel to recover in a military environment, and was clear that a "military ward solution" was needed.
- Mr Browne was "very much behind" Lt Gen Viggers' recommendation that the OWP should be extended to injured personnel.

67. The following week, the MOD's Service Personnel Board (SPB) considered a package of financial and non-financial measures which aimed to replicate the effects of the OWP for in-patients, whether at the RCDM or elsewhere.³⁷ The SPB was advised that, although the package was "work in progress", Gen Granville-Chapman was clear that the proposal "cannot bear the delay inherent in the usual staff circulations".

68. The package, which included the payment of Incidental Expenses to in-patients and an extension to the Dangerously Ill Forwarding of Relatives (DILFOR) scheme, was agreed and implemented by the end of September.³⁸

69. The extension of the DILFOR scheme provided for two close family members to visit the permanent residence of a hospitalised Service person, so that they could support the family members there. The DILFOR scheme was extended again in 2008

³⁶ Minute VCDS to DCDS(Pers), 23 August 2006, 'SoS Visit to Headley Court and RCDM'.

³⁷ Paper MOD, 31 August 2006, 'Welfare Support for Service In-Patients'.

³⁸ Minute Randall to Fleet-NLM DACOS PPA, 27 September 2006, 'Extension of DILFOR Travel Arrangements to the Families of Service Personnel who are Hospitalized'; Minute Randall to Fleet-NLM DACOS PPA, 27 September 2006, 'Payment of Incidental Expenses to Service Personnel who are Hospitalized'.

to allow multiple journeys to and from a hospital if the family was unable to remain at the bedside.³⁹

70. In early October, there was considerable press coverage of alleged verbal abuse of military patients at Selly Oak hospital by members of the public.⁴⁰

71. On 24 October, the SPB assessed that action to establish a Military Managed Ward (MMW) at RCDM Selly Oak was “well in hand”, and that:

“Security had been the biggest issue, and a weekly meeting was now in place between the local police (who have security primacy), MOD Police, RCDM and NHS Staffs.”⁴¹

72. General Sir Richard Dannatt made his first visit to RCDM Selly Oak as Chief of the General Staff (CGS) in December.⁴² He reported to Air Chief Marshal Jock Stirrup, Chief of the Defence Staff, that while progress was being made, the “whole ‘system’ for dealing with those wounded on operations, once back in the UK, has been allowed to sink to such a woefully inadequate level that the task to rebuild it ... is huge”. He identified two underlying problems:

- RCDM was principally focused on delivering trained medical staff, rather than treating the wounded.
- The MOD had implicitly accepted that the NHS level of care was “good enough” for Service Personnel. That was reasonable for clinical care, but not for other issues such as the nurse to patient ratio, access to specialist units, and food.

73. Gen Dannatt concluded that efforts to establish an MMW needed to be re-invigorated and, more fundamentally, that the MOD should “operationalise” Selly Oak as a Role 4 military medical facility.

74. The MMW reached Initial Operating Capability in December 2006 and Full Operating Capability in July 2007, when it comprised 39 medical Service Personnel (compared with 12 in summer 2006):

- 11 orthopaedic nurses;
- 15 general nurses; and
- 13 healthcare assistants.⁴³

75. Gen Dannatt visited the MMW at Selly Oak on 22 June 2007 and reported that it was “at last moving in the right direction”.⁴⁴ Clinical care, welfare support and administration were better led and co-ordinated, and there was a greater sense of

³⁹ Paper MOD, June 2010, ‘Operational Welfare Enhancements as at June 2010’.

⁴⁰ *Daily Mail*, 5 October 2006, *Calls for ‘military-wards’ to protect troops from abuse*.

⁴¹ Minutes, 24 October 2004 Service Personnel Board meeting.

⁴² Minute Dannatt to CDS, December 2006, ‘CGS Visit to RCDM Selly Oak: 6 December 06’.

⁴³ Paper MOD, 28 June 2010, ‘Medical Input to Ainsworth Brief’.

⁴⁴ Minute Dannatt to VCDS, 26 June 2007, ‘Visit to Selly Oak – 2 Jun 07’.

urgency, although “we should not take any satisfaction in reaching what is only the basic level of care that our wounded servicemen deserve”.

76. The challenge now was to ensure that clinical, welfare and administrative support was delivered to injured personnel in a holistic manner wherever they were in the healthcare system.

77. In February 2008, the House of Commons Defence Committee described the clinical care for Service Personnel injured on operations as “second to none”.⁴⁵ The Committee commented, however, that “many of the improvements ... are relatively recent, and there has been a great deal of change over the past 18 months. The MOD should not be complacent: they have had to learn important lessons and it is now clear that the picture at Selly Oak was not always so positive.”

78. Specific issues cited in the report included the provision of toiletries and basic clothing for Service Personnel, travel assistance for the families of injured Service Personnel, and accommodation for the relatives of parents. The report stated that improvements were taking place, but “some of the slack had been taken up by welfare organisations”.

79. Mr Adam Ingram, Minister for the Armed Forces from 2001 to 2007, told the Inquiry:

“It became very clear early on that there was a problem at Selly Oak. It wasn’t the question of the quality of the medical care. It was the fact that they were in mixed [military/civilian] wards. You had soldiers who had been attended to by civilian nurses, civilian doctors and in the next bed there may well be a civilian injured person or old person.

“That became a big issue. My instinct initially was ... that if I was injured, I just wanted the best medical care ...

“But, as a result of a number of visits, Ministerial visits, it became abundantly clear we needed to do other things. So progressively, the number of military personnel, in terms of the medical care, changed ...”⁴⁶

80. Lt Gen Lillywhite told the Inquiry:

“It quickly became apparent that returning casualties actually wanted to be looked after by the military ...

“Although at no stage ... was the clinical care of casualties coming back from Iraq compromised, there was an unhappiness amongst the patients themselves and their relatives about the lack of military involvement in both their care, although actually much more so in their welfare support.

⁴⁵ Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327, pages 3 and 13.

⁴⁶ Public hearing, 16 July 2010, page 49.

“So there was a period when the plan, which was working, was not in accord with what people had expected or wanted. So that led to a significant period of adverse press and internal adverse press as well, whilst both the medical services, but even more so the chain of command, organised themselves to actually provide that military bubble around the care in the hospital.”⁴⁷

81. Lt Gen Lillywhite told the Inquiry that, while establishing a “military bubble” – such as the MMW – around a military patient did not improve the quality of clinical care, “one should not underestimate the beneficial impact upon recovery, upon family dynamics, and upon psychological wellbeing of actually being content”.⁴⁸ He added that the importance of continuing to provide a military bubble during treatment was one of the main lessons learned by DMS and the MOD from Iraq.

Improvements at Headley Court

82. The facilities at DMRC Headley Court had been significantly enhanced by the end of Op TELIC, including through:

- the opening of a Complex Rehabilitation and Amputee Unit in June 2006: a contract was let to a private company that manufactured individually tailored prosthetics on site;⁴⁹
- construction of a 30-bed temporary ward annex, which was brought into use in May 2007;⁵⁰
- construction of a 58-bed staff and patient accommodation block (Wood House) in January 2009; and
- the opening of the Centre for Mental and Cognitive Health, to provide mental health and clinical psychology services, in spring 2009.

83. In May 2008, Ministers announced £24m in capital funding over four years for a Headley Court development programme. Over the first two years, this funding was mainly applied to the MOD contribution to the “Help for Heroes” rehabilitation complex (which was officially opened in June 2010) and a utilities upgrade for the whole site.

84. Lt Gen Lillywhite told the Inquiry that, while Headley Court was a “centre of excellence”, it was also “the greatest area of risk in actually managing casualties”.⁵¹ The first risk area was its capacity:

“We were seeing far more cases that needed in-patient care in beds than we had ever seen probably since Korea ... and the capacity of Headley Court was not sufficient to have met it. Luckily, the building programme, the temporary ward, the

⁴⁷ Public hearing, 20 July 2010, pages 33-34.

⁴⁸ Public hearing, 20 July 2010, pages 35-36.

⁴⁹ Seventh Report from the House of Commons Defence Committee, Session 2007-2008, *Medical Care for the Armed Forces*, HC327.

⁵⁰ Paper MOD, 28 June 2010, ‘Medical Input to Ainsworth Brief’.

⁵¹ Public hearing, 20 July 2010, pages 39-40.

relationships with the local planning authority, enabled us just to keep ahead of the surge. A close run thing, I think, but we kept ahead of the surge.”

85. The second risk area was the building itself:

“Headley Court is a fine listed building, which had in essence for many years treated sports injuries, complex sports injuries, but not open wounds. What we have started doing in this conflict is starting rehabilitation ever earlier, with significant success. But it posed risk in the type of surroundings that they were being managed in, in that Headley Court was not set up to look after cases that were open wounds or complex medication that required ongoing non-rehabilitation specialist care.”⁵²

86. The Inquiry visited Headley Court in October 2010, and spoke to a number of members of staff and Iraq veterans. Members of staff told the Inquiry that it would be helpful if they were given more forewarning about deliberate operations with potential for high casualties.

87. In early October 2006, Gen Dannatt directed Major General Mark Mans, the Deputy Adjutant General (DAG), to lead an assessment of in-Service welfare provision to see where improvements could be made.⁵³ Gen Dannatt directed that the assessment should include discussions with the Soldiers, Sailors, Airmen and Families Association (SSAFA) on bringing back SSAFA Social Workers.

88. Maj Gen Mans replied to Gen Dannatt on 30 November, recommending that he should:

- invite the SSAFA to:
 - provide short-stay hostels for families at Selly Oak and Headley Court;
 - provide additional support for vulnerable Service leavers;
 - provide enhanced support for Service parents of children with disabilities and special needs; and
 - provide enhanced adoption services;
- enhance the current Army Welfare Service (AWS) structure with additional Civil Service Social Workers and Welfare Workers; and
- invite DCDS(Personnel) to organise a “wide-ranging, tri-Service, Ministerially-led” conference to increase understanding of welfare and healthcare support to the ex-Service community.

89. Maj Gen Mans advised that the AWS, like the rest of the Army, was “running hot”. The “heavy burden” of operational commitments and increased casualties had led to a 20 percent increase in the AWS’s workload over the past year. Using Civil Service (rather than SSAFA) Social Workers would give the AWS access to an established and

⁵² Public hearing, 20 July 2010, pages 40-41.

⁵³ Minute DAG to CGS, 30 November 2006, ‘Welfare and Aftercare’.

trained delivery network with a national footprint. SSAFA could be best deployed to provide support on discrete activities to specific groups.

90. Lt Gen Mans advised colleagues in December 2006 that Gen Dannatt considered it was timely to hold a wide-ranging conference on welfare and aftercare provision for Service leavers and veterans, “[a]gainst a background of changing operational imperatives, high commitment levels and evolving welfare demands, as well as a steadily declining knowledge and consciousness amongst the public and in the media of military needs and expectations during and after service”.⁵⁴

91. The Tri-Service Welfare Conference was held in April 2007.⁵⁵

92. Gen Dannatt wrote in his autobiography that although no major decisions were taken at the conference, “all those present were left in no doubt that those of us at the top of the organisation [the MOD] knew what the problems were, understood them, and had a determined commitment to tackle them”.⁵⁶

The role of charitable organisations

In the UK, charitable organisations have traditionally played an important role in providing care to Service Personnel and veterans, often working closely with the MOD, the NHS and the private sector.

Lt Gen Lillywhite told the Inquiry that the MOD welcomed the involvement of charitable organisations (although it might not always agree with their approach):

“They all have a desire to actually progress the care of Servicemen ... and they actually contribute significantly to; one, promoting the cause of particularly the ex-Servicemen; secondly, they are quite good at challenging us on what we are doing or not doing; and thirdly, they often bring a degree of expertise or approach that we might not otherwise have recognised.

“... it is a complex relationship but they are an essential part, in my view, of our society in terms of actually ensuring that veterans in particular, but to a lesser extent, serving soldiers, get the appropriate care that they require.”⁵⁷

In his autobiography, Gen Dannatt described how, in 2007, charitable organisations became increasingly involved in military medical and welfare issues, as the number of casualties in Iraq and Afghanistan grew and the “fragility of the ... arrangements for our seriously injured become painfully apparent”.⁵⁸ That fragility related not to clinical care, which was excellent, but to the broader support that was available to injured personnel and their families.

⁵⁴ Paper Mans, 20 December 2006, ‘Army Welfare and Aftercare Conference Victory Services Club, London on Mon 16 Apr 07’.

⁵⁵ Minute MOD [junior official] to PS/Minister for Veterans [MOD], 5 June 2007, ‘Veterans Forum – 15th June 2007’.

⁵⁶ Dannatt R. *Leading from the Front*. Bantam Press, 2010.

⁵⁷ Public hearing, 20 July 2010, pages 70-72.

⁵⁸ Dannatt R. *Leading from the Front*. Bantam Press, 2010.

Gen Dannatt wrote that the increasing involvement of charitable organisations was, in his view, not a response to “a challenge thrown down by the Government, merely evidence that the nation was beginning to get behind its soldiers and their families”.

Handling complex cases

93. Lt Gen Lillywhite told the Inquiry that survival rates improved significantly over the course of Op TELIC.⁵⁹ He also highlighted the increasing number of Service Personnel with “complex injuries” that would be seen in civilian life extremely rarely, and for which civilian medical and social services have not been set up to manage.

94. Lt Gen Lillywhite also told the Inquiry that since the start of the Iraq conflict, the MOD had taken a more flexible approach to determining the appropriate date for discharge, which now depended on the individual’s circumstances.⁶⁰ He described that to be “a compassionate response to ... very, very serious injuries and sometimes family situations”.

95. A particular challenge was managing the transfer of care from the military system to the NHS, when an individual with complex injuries was discharged.⁶¹ The military system was holding onto casualties for longer, and in some cases to a point where it did not have all the capability required to care for the individual. However, at that same point, the NHS was not set up to provide the comprehensive care that was required.

Lt Gen Lillywhite commented:

“So arranging that care package requires individual persuasion, discussion, debate, with the local authorities in the place where that individual is at home. Of course, the issue of funding can then come into it ...

“So the ongoing care of the complex casualty is throwing up issues that we have not seen before.”

96. Lt Gen Lillywhite suggested that individuals with complex injuries should be treated by the Government as a group with specific clinical needs, in recognition of their service and on clinical grounds to enable specialist care to be arranged and provided more consistently.⁶² He subsequently stated:

“I had general agreement when I was in office that that was what was required, but it needs giving effect to, and there are ongoing issues that can be only addressed

⁵⁹ Public hearing, 20 July 2010, page 41.

⁶⁰ Public hearing, 20 July 2010, pages 52-53.

⁶¹ Public hearing, 20 July 2010, pages 47-49.

⁶² Public hearing, 20 July 2010, pages 41-42.

in my view by treating them as a group ... for example, giving them the advanced prostheses in the future, giving them access to new techniques that are becoming available as a result of research.”⁶³

Clinical developments during Op TELIC

The MOD told the Inquiry that it had identified five major “lessons” from the provision of medical care during Op TELIC, and had incorporated those lessons into its medical procedures.⁶⁴ The lessons were:

- Novel haemostatics. Experience during Op TELIC showed that control of catastrophic bleeding in the first 10 minutes after wounding led to a significant improvements in mortality and morbidity rates. New blood clotting agents, the Combat Applied Tourniquet, and an improved First Field dressing were introduced to arrest the flow of blood more effectively.
- Medical Emergency Response Teams (MERTs). Experience during Op TELIC led to the creation of Immediate Response Teams (IRTs), to deliver medical care at the point of wounding. The concept was developed into MERTs, which deliver consultant-led, pre-hospital emergency care.
- The introduction of a more capable “ground evacuation platform” (based on the Mastiff) which improved soldiers’ confidence in the casualty evacuation chain and significantly improved the delivery of medical care during evacuation.
- The introduction of digital imaging which allowed casualties to be diagnosed more quickly and more accurately.
- The development of an enhanced system for capturing medical data from all parts of the operational medical chain which improved casualty care and treatment regimes.

The Inquiry asked Lt Gen Lillywhite what the MOD had learned from Op TELIC about trauma care.⁶⁵ Lt Gen Lillywhite highlighted three areas:

- how to save life at the point of injury, including through the use of haemostatic dressings and massive transfusion protocols;
- how to sustain the quality of life of seriously injured individuals into the long term; and
- pain management.

Lt Gen Lillywhite added that those advances, and others, were being transferred to civilian medicine.

⁶³ Public hearing, 20 July 2010, page 92.

⁶⁴ Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, ‘Iraq Inquiry – Request for Evidence’.

⁶⁵ Public hearing, 20 July 2010, pages 24-27.

Support for mental health

Research into the physical and psychological health of Operation TELIC personnel

97. Following a meeting of the Veterans Task Force on 10 April 2003, and as major combat operations in Iraq continued, Dr Lewis Moonie, the Parliamentary Under Secretary of State for Defence, discussed with MOD officials the value of initiating a long-term study of the health of Op TELIC veterans.⁶⁶

98. In early May, an MOD official asked Dr Moonie to agree that the UK Government should support a large-scale programme of research on the physical and psychological health of personnel deployed on Op TELIC.⁶⁷ The cost could not yet be precisely estimated, but could be around £3m.

99. The official commented that the UK Government had moved “far too late” to initiate research programmes after the 1990/1991 Gulf Conflict, leading to a loss of trust from veterans and the public:

“By the time we [the Government] responded concern was widespread and the idea of a ‘Gulf War Syndrome’, for which there is still no scientific evidence, had taken root.

“We therefore need to act early this time and put in place as soon as possible a robust programme of research ... and respond as necessary.”

100. Dr Moonie agreed that recommendation.⁶⁸

101. The MOD subsequently commissioned the King’s Centre for Military Health Research (the King’s Centre) at King’s College London to undertake a large-scale epidemiological study into the physical and psychological health of personnel deployed on Op TELIC.⁶⁹ The “primary objectives” of the study were:

- to assess the physical and psychological health of personnel deployed on Op TELIC in comparison with personnel not deployed on Op TELIC; and
- to ascertain whether an “Iraqi War Syndrome” had emerged following deployment, similar to the Gulf War Syndrome.

⁶⁶ Minute PS/USofS [MOD] to Hd GVIU, 11 April 2003, ‘Op TELIC: Studies of Returning Service Personnel’.

⁶⁷ Minute MOD [junior official] to PS/USofS [MOD], 1 May 2003, ‘Op TELIC – Research into Possible Health Effects Post-Conflict’.

⁶⁸ Minute PS/USofS [MOD] to Hd GVIU, 6 May 2003, ‘Op TELIC – Research into Possible Health Effects Post-Conflict’.

⁶⁹ King’s Centre for Military Health Research, 2006, *The Iraq Study 2003 – 2006: Monitoring the Physical and Psychological Health of Personnel Deployed on Operation TELIC 1 (Op TELIC 1): Key Results from Stage 1*.

102. Secondary objectives included:

- to compare the health of Regular and Reservist Personnel; and
- to assess risk-taking behaviours (alcohol consumption and risky driving) in personnel deployed on Op TELIC.

103. In December 2003, the MOD published a report on lessons it had drawn from operations in Iraq.⁷⁰ The report provided a brief update on the King's College work, and concluded that "to date, we are not aware of any unusual pattern of ill-health in returning personnel".

104. The initial findings of the King's College research were published in May 2006.

Over-Arching Review of Operational Stress Management

The MOD completed its Over-Arching Review of Operational Stress Management (OROSM) in September 2004, and a second phase covering Training and Communications Strategies in April 2005.

The OROSM defined six steps in operational stress management:

- pre-service entry beliefs and attitudes;
- in-service training and promotion courses for career development;
- pre-deployment;
- operational deployment;
- post-operational recovery; and
- on discharge from the Armed Forces.

Implementation and delivery of operational stress management within that framework remained the responsibility of the individual Services.

The OROSM clearly identified operational stress management as a management, rather than a medical, responsibility.

Decompression

105. Over the course of Op TELIC, in addition to the requirement for a period of "normalisation" at the end of an operational tour, commanders increasingly opted for their units to undertake a formal period of decompression at the end of an operational tour, as part of post-operational stress management.⁷¹

106. Decompression involved "placing groups into a structured and – critically – monitored environment in which to begin winding down and rehabilitating to a normal, routine, peacetime environment". Any individual considered to be vulnerable to any form

⁷⁰ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁷¹ Minute DCDS(Pers) to VCDS, July 2007, 'Decompression'.

of post-operational stress should be identified, so that the appropriate support could be provided as the individuals passed through the demobilisation process.⁷²

107. The MOD assessed that decompression was best suited to formed teams and units.⁷³ Where possible, units should include individual augmentees (including Reservists) in their decompression arrangements. In the cases of individuals who were not available for the decompression period, the “clinically relevant” elements of the decompression process could be covered by pre-departure briefings and the subsequent normalisation period.

108. For Army units on Op TELIC, decompression usually took place in Cyprus over a period of 36 hours.

109. The first formal period of decompression took place in 2004, at the end of Op TELIC 3.⁷⁴

110. By July 2007, the MOD’s policy was that formed units should have a period of decompression unless a formal application to opt out had been agreed by the chain of command.⁷⁵ Air Marshal (AM) David Pocock, the Deputy Chief of Defence Staff (Personnel), advised Gen Granville-Chapman that, in the absence of evidence of “clinical efficacy”, the policy was based on the “military judgement” that decompression promoted adjustment and re-integration into a normal environment.

111. In August 2010, the MOD produced an analysis of Op TELIC from a Land perspective.⁷⁶ The analysis stated that many units reported that individual augmentees and members of the TA could “fall between the cracks” and not carry out decompression. Some units reported that members of the TA could not remain with the unit during normalisation when it took place in the unit’s barracks, and therefore went home.

112. The MOD concluded:

“... a debate remains to be had about whether the main effort for Reservists should be to return them to civilian life as quickly as possible or extend their period in mobilised service to effect full normalisation ... What is vital is to ensure that all TA Personnel are given adequate transition back to civilian life, and this includes important information on where to get assistance if he/she needs it. POSM [Post-Operational Stress Management] must continue through their chain of command.”

⁷² Minute DCDS(Pers) to MA/USoS [MOD], December 2006, ‘Management of Personnel Returning from High Intensity Operations’.

⁷³ Minute DCDS(Pers) to VCDS, July 2007, ‘Decompression’.

⁷⁴ Minute DCDS(Pers) to MA/USoS [MOD], December 2006, ‘Management of Personnel Returning from High Intensity Operations’.

⁷⁵ Minute DCDS(Pers) to VCDS, July 2007, ‘Decompression’.

⁷⁶ Report Land Command, 31 August 2010, ‘Operations in Iraq: An Analysis from a Land Perspective’.

Variations in the level of support after an operational deployment

113. The Inquiry heard from a number of veterans and witnesses that the level of support received by personnel returning from Op TELIC varied significantly.

114. The Inquiry asked Lieutenant General Sir Alistair Irwin, Adjutant General from 2003 to 2005, whether he was aware of that variation and, if so, what was done to address it.⁷⁷ He told the Inquiry:

“... we were aware that there were varying standards ... That was obviously a worry because, where the standard was good, that was fine. Where the standard was not good, then something clearly needed to be done about it.

“So there was a constant interchange between my people, who were producing the advice, the guidance, the policy, and the people who were actually delivering these things, which were ... the welfare staffs ... the field Army and the chain of command.

“... there was, amongst us all collectively, a desire to deliver as good a product as we could for those who needed it but, when it boils down to it, when you have a complex machine that consists of over 100,000 individual people, you can be absolutely certain, no matter what it is that you do, that there will be people who one way or another don't live up to the standard required.

“So much to the regret of all of us involved, there were unquestionably people who weren't looked after as well as they should have been. There is no doubt about that and each one of them represents, in some degree or another, a failure.

“I hope, though ... without in any way wanting to sound complacent about it, that that number was probably relatively small.”

115. Lt Gen Irwin agreed that those individuals were more likely to have returned to environments without significant military support around them, including Reservists returning to civilian life and Regular Personnel living away from barracks.

116. Vice Admiral Peter Wilkinson, Deputy Chief of Defence Staff (Personnel) from 2007, told the Inquiry:

“Certainly, when we started the campaign, we were much more adept at looking after the large, formed units than we were on those individuals who had either gone out as single staff or on an augmentee basis.

“I think, as we have gained greater experience of the operation and of the likely pressures on the troops, then we have become more adept and more proactive at looking after their likely needs.”⁷⁸

⁷⁷ Public hearing, 21 July 2010, pages 29-31.

⁷⁸ Public hearing, 19 July 2010, page 24.

First reports from the King's Centre study

117. Professor Simon Wessely and Professor Christopher Dandeker presented the early findings of the King's Centre study to the 25 May 2005 meeting of the Service Personnel Board (SPB).⁷⁹ The record of the meeting reported:

"The initial observations suggest that for Regulars, there was no Iraqi War syndrome, no increases in general mental health problems and PTSD [Post-Traumatic Stress Disorder], or increases in alcohol intake. These observations were different to Op GRANBY [the 1990/1991 Gulf Conflict]. For Reservists, there have been increases in general mental health problems and a doubling of PTSD, but no increase in alcohol intake."

118. Two papers from the King's Centre study into the physical and psychological health of personnel deployed on Op TELIC were published in May 2006.

119. The first paper concluded that for Regular Personnel, deployment to Iraq had not, so far, been associated with significantly worse health outcomes, apart from a modest effect on multiple physical symptoms.⁸⁰ There was, however, evidence of a clinically and statistically significant effect on the health of Reservists, in relation to PTSD symptoms, multiple physical symptoms, and general perceptions of health.

120. The second paper concluded that there had been no substantial increase in symptomatic ill-health amongst members of the Regular Armed Forces who had taken part in the invasion of Iraq, and there was no pattern suggestive of a new syndrome.⁸¹ That finding was in contrast to the situation after the 1990/1991 Gulf Conflict, when a substantial increase in symptomatic ill-health had been observed.

121. On 16 May, Mr Tom Watson, the Parliamentary Under Secretary of State for Defence, set the conclusions of the papers and the Government's response in a written statement to Parliament:

"... a small but measurable number of Reservists (when compared either with Regulars who did deploy or Reservists who did not deploy) are showing some increased health effects as a result of deployment – particularly for common mental disorders (such as anxiety, depression and stress), post traumatic stress disorder and fatigue. It remains the case, though, that the reported rates of indicators of common mental ill-health for both Reservists and Regulars are broadly of the same order as found in the general UK population."⁸²

⁷⁹ Minutes, 25 May 2005, Service Personnel Board meeting.

⁸⁰ Hotopf et al. The health of UK military Personnel who deployed to the 2003 Iraq war: A cohort study. *The Lancet* **367**: 1731-1741 (2006).

⁸¹ Horn et al. Is there an 'Iraq War Syndrome'? Comparison of the health of UK Service Personnel after the Gulf and Iraq wars. *The Lancet* **367**: 1742-1746 (2006).

⁸² House of Commons, *Official Report*, 16 May 2006, column 43WS.

122. Mr Watson described the issue of Reservists' mental health as the "key finding" of the study, advised that the Government was already monitoring the issue closely and looking at possible solutions, and announced that the Government would introduce an enhanced post-operational mental health programme for recently demobilised Reservists later in the year.

123. Lt Gen Lillywhite told the Inquiry that there might be several reasons why Reservists might suffer more from mental health issues:

- less preparatory training throughout their careers than Regular Personnel;
- a less supportive environment for the families of Reservists than for Regular Personnel;
- a less robust selection process; and
- an absence of "ongoing support from their peers" when Reservists left the military environment and returned to civilian life.⁸³

124. The King's Centre study was extended in 2006 into a second phase (2007 to 2010), and broadened to include all subsequent Iraq deployments and deployments to Afghanistan.⁸⁴

Reserves Mental Health Programme

125. In November 2006, in response to the findings of the King's Centre study, the MOD launched the Reserves Mental Health Programme (RMHP), to provide enhanced mental healthcare to current and former Reservists who had been demobilised since 1 January 2003 following deployment on an overseas operation.⁸⁵

126. The RMHP provided a mental health assessment and, if appropriate, out-patient treatment at one of the MOD's Departments of Community Mental Health (DCMHs). In-patient treatment was provided through the NHS.

127. The MOD assessed that there could be, in the worse case, a "backlog" of 680 individuals (who had been demobilised since 1 January 2003 and who had concerns over their mental health), who would be referred to the RMHP when it launched.⁸⁶ Thereafter the RMHP was expected to receive 75 referrals a year.

128. A 2011 study concluded that the RMHP was an effective method of treatment for those who accessed it.⁸⁷

⁸³ Public hearing, 20 July 2010, pages 60-61.

⁸⁴ Paper MOD, 29 June 2010, 'Veterans Mental Health'.

⁸⁵ Surgeon General's Policy Letter 28/06, 21 November 2006, 'Reservists Mental Health Programme'.

⁸⁶ Paper MOD, 25 August 2006, 'Recently Demobilised Reservists Mental Health Project: The Proposal and Business Process'.

⁸⁷ N Jones et al. A Clinical Follow-up Study of Reserve Forces Personnel Treated for Mental Health Problems Following Demobilisation. *Journal of Mental Health* **20** (2011).

Concerns over mental health issues, late 2006

129. Section 16.1 describes the concerns of General Sir Richard Dannatt, Chief of the General Staff (CGS) from August 2006, that the Army was “running hot” and the military covenant was out of balance.⁸⁸

130. Gen Dannatt visited Iraq in late September 2006.⁸⁹ His report to Air Chief Marshal Jock Stirrup, Chief of the Defence Staff (CDS), highlighted the psychological welfare of Service Personnel as one area where action was required:

“I was concerned to hear that there had been 99 referrals to the Field Mental Health Team from 20 Bde alone during their tour. This number seems high, though I suspect as people start returning to Iraq (or Afghanistan) for the third or fourth time it will not be atypical. I am aware ... that we do not equip our soldiers as well as we might during their pre-deployment training for the combat stress of operations. I am discussing this with AG [the Adjutant General, Lt Gen Viggers], and we will shortly be taking steps to improve our commanders’ understanding of, and ability to deal with, psychiatric casualties in theatre. I will ensure that this work informs DCDS(Personnel)’s Overarching Review of Operational Stress Management.

“I am less sanguine, however, about what happens to psychological casualties evacuated back to UK – in the case of 20 Bde about 20 individuals. As I understand it, once in the UK these casualties are managed by The Priory, a civilian contractor, for psychiatric treatment. Not only do we tend to lose track of these casualties thereafter, but I feel intuitively that rustication from a military environment is hardly the best way to treat all but the very worst of our stress casualties. Indeed, experience from recent major conflicts tells us that soldiers suffering from combat stress are best treated in as military an environment as possible. Once the psychological props of discipline, esprit de corps, ethos and humour are removed, the road to recovery for stress casualties grows that much longer. Now that we have decided, quite rightly, to run RCDM Birmingham on more military lines,⁹⁰ we should at least ask ourselves similar questions over our care of psychiatric casualties.”

131. Gen Dannatt subsequently tasked Major General Mark Mans, the Deputy Adjutant General (DAG), to address those concerns.⁹¹

⁸⁸ Letter Dannatt to Browne, 31 August 2006, [untitled].

⁸⁹ Minute Dannatt to CDS, 2 October 2006, ‘CGS’ Visit to Iraq: 26-28 Sep 06’.

⁹⁰ A reference to the decision to establish a Military Managed Ward at Selly Oak hospital.

⁹¹ Minute DAG [MOD] to CGS, 30 November 2006, ‘Welfare and Aftercare’.

132. Mr Ingram visited Iraq from 30 September to 1 October.⁹² His Private Secretary reported that three concerns had been raised with Mr Ingram with regard to “psychiatric treatment”:

- There was an “apparent upward trend (if not surge)” in the number of people requiring support in the second half of six-month tours.
- The US provided “significantly more in-theatre welfare/counselling support” than the UK (although the US deployed personnel for longer than the UK).
- Personnel evacuated back to the UK to receive treatment at The Priory had, from their unit’s perspective, been “‘lost’ for weeks at a time”.

133. Maj Gen Mans replied to Gen Dannatt on 30 November, advising that:

- The high level of psychiatric casualties being referred to the Field Mental Health Team (FMHT) was a positive feature rather than a cause for concern, as it reflected a willingness by personnel to consult the FMHT. The number of personnel evacuated from theatre was lower than might be expected from the number of referrals to the FMHT.
- The current system for providing care for personnel evacuated from theatre with mental health problems (treatment at The Priory and/or the MOD’s Departments of Community Mental Health) conformed to psychiatric best practice. The recently activated RMHP would also help.
- Regarding commanders’ understanding of and ability to deal with psychiatric issues, the OROSM had recommended that personnel receive stress management training at points throughout their career. This recommendation had been partially implemented; full implementation required resources and training time.⁹³

134. In November, Mr Derek Twigg, Parliamentary Under Secretary of State for Defence, expressed his concern that the MOD was not providing a “comprehensive rehabilitation package” for personnel returning from operations.⁹⁴

135. AM Pocock responded in December.⁹⁵ He advised that a forecast that the current downward trend in Road Traffic Accidents would stall, and a recent King’s Centre paper indicating an increased tendency towards risk-taking behaviour after deployment, both supported Mr Twigg’s “nagging concern” that the MOD might not be providing the support that personnel (including Regulars, Reservists, formed units, individuals, and individuals who had been medically evacuated) required.

⁹² Minute PS/Min(AF) [MOD] to MA/CJO, 4 October 2006, ‘Iraq: Minister (AF)’s Visit 30 Sept – 1 Oct ‘06’.

⁹³ Minute DAG to CGS, 30 November 2006, ‘Welfare and Aftercare’.

⁹⁴ Minute DCDS(Pers) to MA/USoS [MOD], December 2006, ‘Management of Personnel Returning from High Intensity Operations’.

⁹⁵ Minute DCDS(Pers) to MA/USoS [MOD], December 2006, ‘Management of Personnel Returning from High Intensity Operations’.

136. AM Pocock set out the six-step process defined by the MOD's Operational Stress Management Policy and highlighted the role of decompression as one element of step 5 (post-operational recovery). Work to evaluate the effectiveness of decompression was under way.

137. In July 2007, AM Pocock advised Gen Granville-Chapman that, following the 2005 OROSM review, the MOD's policy on operational stress management was "both comprehensive and robust".⁹⁶ The MOD had now undertaken an analysis within the three Services and the Civil Service of how much training for operational stress was available and how effective it was. This "gap analysis" indicated that the three Services "already do much to address [operational stress management] training needs". A bid for resources to plug the gaps, including the wider implementation of the Royal Marines' Trauma Risk Management programme proposed by the Army, would be submitted.

Trauma Risk Management

138. In 2008, the Armed Forces rolled out Trauma Risk Management (TRiM) in all three Services.⁹⁷

139. Lt Gen Lillywhite described TRiM as a form of debriefing after a traumatic event,⁹⁸ but undertaken in peer groups rather than by an external counsellor. The person who was leading the debriefing was taught to identify whether their colleagues were under stress and might need referral elsewhere.⁹⁹

Further findings from the King's Centre study

140. Further reports from the King's Centre study in 2009 and 2010 reported that:

- There was no increase in mental health problems in Regular Personnel serving in Iraq or Afghanistan, compared with Regular Personnel not deployed to Iraq or Afghanistan.
- The rate of symptoms of PTSD remained "relatively low" among Regular Personnel deployed to Iraq or Afghanistan; estimates ranged between 1.3 and 4.8 percent following deployment. The rate of symptoms of PTSD in the general UK population was approximately 3 percent.
- Between 16 and 20 percent of Regular Personnel reported common mental disorders, such as depression and anxiety. This was similar to the rate in the general UK population.

⁹⁶ Minute DCDS(Pers) to VCDS, July 2007, 'Decompression'.

⁹⁷ Seventh Report from the House of Commons Defence Committee, Session 2010-2012, *The Armed Forces Covenant in Action?*, HC 762.

⁹⁸ Traumatic events might include sudden death, serious injury, near misses and overwhelming distress when dealing with disaster relief and body handling.

⁹⁹ Public hearing, 20 July 2010, pages 56-57.

- Alcohol misuse was a common problem among Regular Personnel deployed to Iraq and Afghanistan. In the first phase of the King's Centre study (2003 to 2006), only "combat troops" were found to have a higher prevalence of alcohol misuse following deployment to Iraq. Later analyses showed a higher prevalence of alcohol misuse among all Regular Personnel who were deployed to Iraq or Afghanistan, regardless of their role on deployment.
- "Combat troops" deployed to Iraq and Afghanistan showed a small but significant increase in the risk of symptoms of PTSD compared with non-combat troops. Approximately 7 percent of combat troops had symptoms of PTSD following deployment.
- Reservists deployed to Iraq or Afghanistan were at a higher risk of reporting symptoms of PTSD, when compared with Reservists not deployed to Iraq or Afghanistan. The King's Centre commented that many factors could contribute to the excess of mental ill-health observed in deployed Reservists, including their relative inexperience of combat operations, lower unit cohesion, and problems in the home and work environment during or after deployment. The King's Centre also commented that despite the introduction of measures focused on helping Reservists (including the RMHP and better support for Reservists' families), the excess of mental health problems (specifically PTSD) observed among Reservists deployed to Iraq and Afghanistan was "disappointingly persistent".
- Multiple deployments were not consistently associated with an increased risk of mental health problems. However, the cumulative duration of deployments did affect mental health; if troops deployed for more than 13 months over a three-year period they were at increased risk of mental health problems, particularly an increased risk of PTSD symptoms. The King's Centre commented that the finding supported the MOD's Harmony Guidelines for Army Personnel. Ensuring that the Guidelines were not exceeded could help to reduce the risk of mental health problems in the UK's Regular forces.
- Regular Personnel were at increased risk of alcohol misuse and PTSD symptoms where the tour length was extended during the deployment itself.¹⁰⁰

141. The King's Centre concluded:

"Despite extended campaigns in Iraq and Afghanistan, the prevalence of mental disorders in the UK's Armed Forces remains low. PTSD is in fact an issue for a relatively small proportion of military personnel. Of particular concern, however, are the high levels of alcohol misuse in Regulars, the mental health of combat troops and also the mental health of Reservists. These three issues require attention over the coming years."

¹⁰⁰ Forbes et al. The Mental Health of UK Armed Forces Personnel: The Impact of Iraq and Afghanistan. *RUSI Journal*, **156**: 14-20 (2011).

The Harmony Guidelines and mental health

Professor Christopher Dandeker, Professor of Military Sociology at King's College London and Co-Director of the King's Centre for Military Health Research, told the House of Commons Defence Committee in March 2008 that:

"... so far as our own research is concerned ... I think that the Harmony Guidelines have been well constructed because the evidence suggests that if you stay within them they [Service Personnel] do not suffer; if you go beyond them there is a 20 to 50 percent likelihood that they will suffer in terms of PTSD [Post Traumatic Stress Disorder]".¹⁰¹

In his evidence to the Inquiry, Air Marshal David Pocock, Deputy Chief of Defence Staff (Personnel) from 2005 to 2007, questioned whether Professor Dandeker was right to suggest that the Harmony Guidelines were an appropriate basis for assessing the effect of operational deployment on individuals.¹⁰² The Guidelines had been derived in a straightforward way from the planning assumptions used in SDR 98 ('what operations have we got? How many people have we got? ... that means that they can spend this long away'). AM Pocock said that his focus had been on the broader relationship between time deployed on operations and the risk of mental health issues.

142. The Inquiry asked Lt Gen Lillywhite how the MOD's approach to mental health had changed over the course of Op TELIC.¹⁰³

143. Lt Gen Lillywhite told the Inquiry that the "perennial challenge" was to overcome the stigma associated with mental health issues:

"A lot of effort has gone into educating both commanders and individuals that psychological adverse effects is not something that needs to be hidden. We have not fully succeeded, nor has any other nation, and neither has the civilian population. Mental health continues to have a stigma amongst many that actually inhibits its presenting for care early."

144. Lt Gen Lillywhite highlighted the introduction of a decompression period after an operational deployment and TRiM, as two significant developments in the MOD's approach to supporting mental health.

Compensation

145. The MOD provided compensation to Service Personnel who suffered from illness or injury, including mental health problems.

¹⁰¹ Fourteenth Report from the Defence Committee, Session 2007-2008, *Recruiting and retaining Armed Forces Personnel, Oral and Written Evidence (25 March 2008)*, HC424.

¹⁰² Public hearing, 19 July 2010, pages 68-70.

¹⁰³ Public hearing, 20 July 2010, pages 55-57.

146. For illnesses and injuries caused before 6 April 2005, compensation was provided under two separate compensation arrangements, the War Pensions Scheme (WPS) and the Armed Forces Pension Scheme 1975 (AFPS 75).

147. In September 2003, after a consultative process which began in 2001, the Government announced that it would introduce a new Armed Forces Pension Scheme (AFPS 05) (see Section 16.1) and a new compensation scheme.¹⁰⁴ The new compensation scheme would be introduced in April 2005 and would replace provisions under the War Pensions Scheme and attributable benefits under AFPS 75.

148. Mr Ivor Caplin, the Parliamentary Under Secretary of State for Defence, told Parliament that the new compensation scheme would have “more focus on the more severely disabled” and would provide a lump-sum payment for “pain and suffering” – a benefit that was not available under the current arrangements.

149. The new compensation scheme – the Armed Forces Compensation Scheme (AFCS) – was introduced on 6 April 2005.¹⁰⁵ The AFCS:

- Provided compensation for any injury, illness or death which was caused by service on or after 6 April 2005. That included injury or illness which occurred while participating in a “service related activity”, such as organised sport.
- Covered all current and former members of the Armed Forces, including Reservists. For the first time, serving members of the Armed Forces could make claims.
- In the event of service-related death, paid benefits to eligible partners and children. An eligible partner was described as “someone with whom you are cohabiting in an exclusive and substantial relationship, with financial and wider dependence”.
- Provided lump sum payments and, for the most severe injuries and illnesses, Guaranteed Income Payments (GIPs) to provide a regular income stream. Those payments were made according to a comprehensive tariff reflecting, for lump-sum payments, the severity of the injury or illness and, for GIPs, estimated loss of future earnings. The most severe injuries and illnesses qualified for a lump-sum payment of £285,000.
- Used the balance of probabilities standard of proof, in line with similar schemes for civil claims.¹⁰⁶

150. Public concern over the level of compensation paid to injured Service Personnel grew in autumn 2007, following press coverage of the compensation awarded to Lance Bombardier Ben Parkinson.¹⁰⁷ Lance Bombardier Parkinson was severely injured in

¹⁰⁴ House of Commons, *Official Report*, 15 September 2003, column 40WS.

¹⁰⁵ Armed Forces (Pension and Compensation) Act 2004.

¹⁰⁶ Ministry of Defence, *Guidance: Armed Forces Compensation: What You Need to Know*, [undated].

¹⁰⁷ Ministry of Defence, *Military Covenant: the Support Available to Current and Former Servicemen*, 2008.

Afghanistan, losing both his legs and suffering a brain injury and multiple other serious injuries.¹⁰⁸ The *BBC* reported that he had been awarded £152,150 in compensation.

151. In February 2008, the MOD amended the AFCS to take account of individuals who had suffered more than one injury in a single incident and to increase the lump-sum payments to those with the most serious multiple injuries (within the £285,000 maximum).¹⁰⁹ The MOD stated that, when the AFCS was developed, the MOD had not envisaged the “severe, multiple injury cases of the type that are now unfortunately occurring”. The changes enabled the AFCS to respond to that challenge.

152. In July 2008, within the Service Personnel Command Paper, the Government doubled the lump-sum payment for the most serious injuries, from £285,000 to £570,000.¹¹⁰ All payments were increased by at least 10 percent. The Government committed to apply those increases retrospectively to all those who had already made claims under the AFCS. GIPs remained unchanged.

153. Mr Ainsworth told the Inquiry that when he pressed for that increase, he had experienced “some resistance” from some officials in the MOD:

“... I can remember a particular official amusing me no end when he told me, ‘You cannot, Minister, double the upfront compensation payment’ ... I think he had worked on the scheme for quite some time and was pretty dedicated to it, and he knew some of the other consequences of doubling the upfront payment, [that] potentially it would cause disparities with other people, but my attitude was ‘So what? I can’t defend the level of upfront payment as it exists today and you do not have to, and you are not injured and we are going to double it’, and we did.”¹¹¹

154. Further increases in lump-sum payments (though not to the maximum amount) and to GIPs, and changes to the operation of the AFCS, were made in 2010 following a review of the AFCS.¹¹²

Support for veterans

155. In March 2001, the Government launched the Veterans Initiative to identify and address the needs of veterans, in close partnership with ex-Service organisations.¹¹³ It also announced the appointment of Dr Moonie as the first Minister for Veterans’ Affairs. The Initiative’s priorities included:

- co-ordinating the Government’s response to issues affecting veterans;

¹⁰⁸ *BBC*, 28 August 2007, *Maimed soldier ‘let down’ by Army*.

¹⁰⁹ Ministry of Defence, *Military Covenant: the Support Available to Current and Former Servicemen*, 2008.

¹¹⁰ *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, July 2008, Cm 7424.

¹¹¹ Public hearing, 6 July 2010, pages 25-26.

¹¹² Ministry of Defence, *The Review of the Armed Forces Compensation Scheme*, February 2010.

¹¹³ Standard Note SN/IA/3070, 28 June 2005, ‘Veterans Policy’.

- improving communications between veterans and the Government; and
- promoting partnership between the Government and ex-Service organisations.

156. In June 2001, the War Pensions Agency was transferred to the MOD and in April 2002 it was re-launched as the Veterans Agency, with a remit to provide financial and welfare support to all former members of the Armed Forces, their widows/widowers and dependants.

157. The Veterans Agency published the *Strategy for Veterans* in March 2003, to “help ensure” a coherent Government policy and a structured plan of action.¹¹⁴ The Strategy stated that services for veterans were increasingly delivered on a cross-Government basis, or through a partnership between Government and the private or voluntary sectors. Partnerships between Government and the voluntary sector should not detract from the Government’s responsibilities or impinge on charities’ independence.

158. The Veterans Agency published the *Communications Strategy for Veterans* in September 2003, in response to research commissioned by the MOD that indicated that many veterans, members of the general public, and “statutory and charitable service providers” were unaware of the services, advice and support available to veterans.¹¹⁵

Mental healthcare for veterans

159. The Medical Assessment Programme (MAP) was established in 1993 to examine veterans of the 1990/1991 Gulf Conflict who were concerned that their health had been adversely affected by their service.¹¹⁶ The majority of cases seen by the MAP were mental health related and the service evolved into a mental health assessment programme. The MAP was extended in 2003 to include Op TELIC veterans.

160. The MAP provided a thorough assessment by a physician with knowledge of veterans’ physical and mental health issues. The physician would provide a report for the referring doctor including any diagnosis made and recommendations for treatment.

161. In July 2003, King’s College London published its final report on the delivery of cross-departmental support and service to veterans.¹¹⁷ The study (which ran from July 2002 to March 2003) had been commissioned by the MOD to examine key areas of need not already addressed under the Veterans Initiative and the *Strategy for Veterans*.¹¹⁸

¹¹⁴ Veterans Agency, *Strategy for Veterans*, March 2003.

¹¹⁵ Veterans Agency, *Communications Strategy for Veterans*, September 2003.

¹¹⁶ Paper MOD, 29 June 2010, ‘Veterans Mental Health’.

¹¹⁷ King’s College London, July 2003, *Improving the delivery of cross-departmental support and services for veterans*.

¹¹⁸ Standard Note SN/IA/3070, 28 June 2005, ‘Veterans Policy’.

162. Key findings from the study included:

- There was very little published information on the experience of UK veterans.
- For “many (indeed most)” personnel, military life was a positive experience.
- Most veterans did not develop mental health problems as a result of serving in the Armed Forces. The minority of veterans who did, fared badly.
- There had been a decline in “civilian-military understanding”, which adversely affected veterans’ dealings with Local Authorities and Social Services.
- Only half of veterans with mental health problems were currently seeking help. Of those who had sought help, many were receiving anti-depressant therapies but few were receiving specialist advice or treatment.¹¹⁹

Community mental health pilots

163. In 2005, following recommendations on mental health services for veterans presented by the independent Health and Social Care Advisory Service (HASCAS), the MOD, in collaboration with the DoH and the Devolved Administrations, launched six community NHS mental health pilots.¹²⁰ The purpose of the pilots was to provide expert, evidence-based assessment and treatment, led by a mental health therapist with an understanding of the issues faced by veterans, and to improve local health professionals’ awareness and understanding of veterans and military life.

164. The first pilot, in Stafford, started in November 2007; the sixth pilot, in Edinburgh, started in April 2009.

Priority treatment within the NHS

165. From 1953, it was Government policy that war pensioners (not all ex-Service Personnel) should receive priority examination and treatment within the NHS for the condition for which they received a pension or gratuity.¹²¹

166. In spring 2007, in response to a series of Parliamentary questions on the efficacy of the arrangements underpinning that policy, the MOD tasked the Service Personnel and Veterans Agency (SPVA) to record all complaints relating to priority access.

167. In June 2007, a junior MOD official advised Gen Dannatt that the arrangements for ensuring priority access had several “inherent weaknesses”:

- The MOD owned the policy but was reliant on the DoH for delivery. The DoH did not regularly remind NHS clinicians and GPs of the policy. Even when clinicians

¹¹⁹ King’s College London, July 2003, *Improving the delivery of cross-departmental support and services for veterans*.

¹²⁰ Paper MOD, 29 June 2010, ‘Veterans Mental Health’.

¹²¹ Minute MOD [junior officer] to MA1/CGS, 19 June 2007, ‘War Pensioners – Priority in the NHS’.

and GPs were aware of the policy, the allocation of priority treatment was determined by a number of factors.

- The arrangement between the MOD and the DoH had never been formalised, but was rather a “gentleman’s agreement”. “Priority access” had never been defined.
- The MOD did not regularly remind war pensioners of their right to priority access.

168. The official stated that the only alternative to the current arrangement, the provision of treatment in the private sector, was unlikely to be affordable. To mitigate the weaknesses of the current arrangement, the MOD’s current level of engagement with the DoH, including at Ministerial level, should be sustained. The information that was now being collected by the SPVA would, in the future, allow better analysis and “evidence-based” action.

169. On 23 November, Mr Alan Johnson, the Health Secretary, and Mr Derek Twigg, Parliamentary Under Secretary of State for Defence and the Minister for Veterans, announced that the NHS would provide priority treatment for all veterans (not just those in receipt of war pensions), whose ill-health or injuries were attributed to their military service.¹²²

170. Lt Gen Lillywhite told the Inquiry that the arrangement on priority access was of limited – but some – utility to veterans.¹²³

171. In July 2008, the Government published a command paper entitled *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans* (known as the *Service Personnel Command Paper*).¹²⁴ The paper contained a number of measures to address the disadvantages experienced by veterans, including:

- a commitment that the standard of prosthetic limbs provided to veterans by the NHS, would match or exceed the standard of limbs provided to injured personnel by the DMS;
- a commitment to raise awareness amongst healthcare professionals of the healthcare needs of veterans;
- funding for supported housing for Service leavers;
- a commitment to fund tuition fees in further and higher education for Service leavers; and
- measures to improve veterans’ access to transport and employment opportunities.

172. The Inquiry’s conclusions and lessons on the care provided to Service Personnel are set out in Section 16.4.

¹²² Ministry of Defence, *Government boost to veterans healthcare*, 23 November 2007.

¹²³ Public hearing, 20 July 2010, page 80.

¹²⁴ *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, July 2008, Cm 7424.

SECTION 16.3

MILITARY FATALITIES AND THE BEREAVED

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Introduction

1. Between 2003 and 2009, 178 British Service Personnel and one Ministry of Defence (MOD) civilian lost their lives serving on Operation TELIC.¹ A breakdown of those fatalities by year is shown in the table below.

2. This Section addresses:

- the preparations made for repatriating the bodies of those who lost their lives on Op TELIC, and for investigating their deaths;
- changes to military investigative processes and to the civilian inquest process;
- the support offered to the next of kin and bereaved families; and
- how the Government honoured those who lost their lives.

3. This Section does not consider other UK citizens who also lost their lives in Iraq, in a variety of different roles and as the result of hostage-taking.

4. The provision of welfare support for Service Personnel is addressed in Section 16.1.

5. The provision of medical care, in particular for seriously injured personnel, and the support provided to their families, is addressed in Section 16.2.

6. The problems caused by deployments consistently exceeding the Defence Planning Assumptions in respect of the provision of military equipment are addressed in Sections 6.3 and 14.

7. The decision to deploy to Helmand province in Afghanistan, and the implications of that decision, are addressed in Section 9.

**Table 1: Service Personnel and MOD civilian fatalities
serving on Op TELIC, 2003 to 2009**

Year	Fatalities
2003	53
2004	22
2005	23
2006	29
2007	47
2008	4
2009	1
Total	179

¹ GOV.UK, 12 December 2012, *British Fatalities: Operations in Iraq*.

Planning and preparing for fatalities

Estimates of UK military fatalities

8. Sections 6.1 and 6.2 describe military planning for operations in Iraq.

9. In early September 2002, the MOD estimated that between 31 and 48 Service Personnel would be killed in action during the initial combat phase of operations of an attack on Iraq (and that between 157 and 241 Service Personnel would be admitted to Role 3 hospitals).^{2,3} Those figures excluded possible casualties from chemical and biological warfare.

10. The MOD regularly updated its casualty estimates as the military plan developed. The estimates did not consider casualties beyond the initial combat phase of operations.

11. Mr Geoff Hoon, the Defence Secretary, wrote to Mr Blair on 16 January 2003, recommending that the UK agree a US request to provide a large scale ground force for operations in southern Iraq.

12. Mr Hoon's advice did not include the estimates of UK military casualties (including fatalities) that had been developed.⁴

13. Mr Blair agreed Mr Hoon's recommendation the following day.⁵

14. On 3 February, the MOD produced a Casualty Estimate paper for the Chiefs of Staff meeting later that week.⁶ The paper stated that:

- There could be between 30 and 50 fatalities in the Land Component.
- There could be between 5 and 9 fatalities in the Air Component.
- No simple estimate could be made of fatalities in the Maritime Component, given the high impact/low probability nature of incidents.
- Fatalities from a "single small-scale but well executed" chemical attack could be between 0 and 96 fatalities, depending on a range of factors including the target, the chemical agent used, and the weather.
- No useful estimate could be made of fatalities from a biological attack in the absence of more specific information about the circumstances of any attack.

15. The Chiefs of Staff concluded on 5 February that the Casualty Estimate paper would need to be shown to Ministers before any decision to commit UK troops was made.⁷

² Role 3 (Echelon 3) medical support is generally provided at field hospitals and on hospital ships.

³ Minute MOD [junior official] to Iraq Inquiry [junior official], 22 June 2010, 'Iraq Inquiry – Request for Evidence'.

⁴ Letter Hoon to Blair, 16 January 2003, 'Iraq: UK Land Contribution'.

⁵ Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'.

⁶ Minute Fry to COSSEC, 3 February 2003, 'Casualty Estimates – Op TELIC' attaching Paper MOD, 3 February 2003, 'Casualty Estimates for Op TELIC Based on Operational Analysis'.

⁷ Minutes, 5 February 2003, Chiefs of Staff meeting.

16. On 20 February, in response to the publication of a paper, *Iraq at the Crossroads: State and Society in the Shadow of the Regime*, by the International Institute of Strategic Studies (IISS),⁸ Mr Blair asked for advice on a number of questions, including: “What is our military’s assessment of the likely consequences of an attack on Iraq; i.e. how many casualties; how quickly the collapse?”⁹

17. On 24 February, Mr Peter Watkins, Mr Hoon’s Principal Private Secretary, wrote to Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, advising that the MOD estimated that there would be between 30 and 60 British and between 500 and 1,200 Iraqi “land battle” fatalities.¹⁰ Mr Watkins also advised that work to estimate Iraqi civilian casualties continued.

18. Lord Boyce, Chief of the Defence Staff from 2001 to April 2003, told the Inquiry that Ministers would have been informed of the MOD’s casualty estimates, as part of the routine briefing process.¹¹

19. By 1 May, when President Bush declared that major combat operations in Iraq had ended, 33 British Service Personnel had died serving on Op TELIC.¹²

20. Both Lord Boyce and Sir Kevin Tebbit, MOD Permanent Under Secretary from 2001 to 2005, told the Inquiry that the actual number of casualties had been fewer than the MOD had estimated.¹³ Sir Kevin commented:

“... as far as casualties are concerned, the assessment was that they would not be any higher than we faced in the Gulf war 12 years earlier. So the figures were relatively ... modest. In the event, they were even lower than that. The uncertainty was ... the possible use of chemical/biological weapons against us. I think the original assessment was that Saddam was unlikely – but we couldn’t rule it out militarily – unlikely to use them early ... but he might use them, and we expected him to use them, as a matter of last resort, which, of course, informed the nature of military planning.”

Repatriation policy

21. Until the Falklands Conflict in 1982, Service Personnel who died on major operations were normally buried in theatre.¹⁴

22. After the Falklands Conflict, all bereaved families were offered the opportunity to have the bodies of their relatives returned to the UK, largely because of the difficulty

⁸ Oxford University Press for the International Institute of Strategic Studies: *Iraq at the Crossroads: State and Society in the Shadow of the Regime* – Adelphi Paper 354.

⁹ Minute Rycroft to McDonald, 20 February 2003, ‘Iraq: Political and Military Questions’.

¹⁰ Letter Watkins to Rycroft, 24 February 2003, ‘Iraq: Political and Military Questions’.

¹¹ Public hearing, 3 December 2009, page 94.

¹² GOV.UK, 12 December 2012, *British Fatalities: Operations in Iraq*.

¹³ Public hearing, 3 December 2009, pages 94-96.

¹⁴ Paper DCDS(Pers), 14 March 2003, ‘UK Forces: Repatriation of the Dead’.

of travelling to the Falkland Islands to visit their graves. In subsequent operations, it became MOD policy to repatriate bodies to the UK in all but the most exceptional circumstances.

23. The MOD's policy on the repatriation of the dead was set out in a paper produced by Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) (DCDS(Personnel)), on 14 March 2003:

"Repatriation to UK of the dead is to take place wherever possible and as soon as practicable."¹⁵

24. If fatalities were suspected to have been caused by Chemical Biological Radiological Nuclear (CBRN) agents, then repatriation should only proceed once the presence of a CBRN agent had been confirmed or ruled out, and then on the basis of a risk assessment. In certain circumstances, repatriation might require mitigating actions (such as decontamination or special isolation of the body), or the body might need to be officially cremated in theatre with the ashes repatriated. In exceptional circumstances, the body might need to be cremated and permanently buried in theatre.

Preparing to hold civilian inquests

The legal frameworks for inquests

Coroners are independent judicial officers. They are appointed and paid for by the relevant local authority and their officers and staff are employed by the local authority and/or the police.

Coroners in England and Wales had a statutory duty, under Section 8 of the 1988 Coroners Act, to investigate deaths which are reported to them when the body is lying in their district and there is reason to believe that the death was violent or unnatural, or was a sudden death of unknown cause, or in some other circumstances.¹⁶ That duty applied "whether the cause of death arose in his district or not".

Section 14 of the 1988 Coroners Act provided that, if it appeared to the coroner for the district where a body was lying that the inquest ought to be held by another coroner, then he may request that coroner to assume jurisdiction.

The position in Scotland and Northern Ireland was different.

In Scotland, the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 required the appropriate procurator fiscal to investigate (through a Fatal Accident Inquiry) any death which occurred within Scotland in the course of an individual's employment, or in legal custody.¹⁷ The Act also provided for the Lord Advocate to instruct a procurator fiscal to investigate a death if it appeared to him that an investigation would be in the public interest.

¹⁵ Paper DCDS(Pers), 14 March 2003, 'UK Forces: Repatriation of the Dead'.

¹⁶ Coroners Act 1988. The Act was replaced by the Coroners and Justice Act 2009.

¹⁷ Fatal Accidents and Sudden Deaths (Scotland) Act 1976.

The Coroners Act (Northern Ireland) 1959 provided that coroners in Northern Ireland within whose district a dead body was found, or an unexpected or unexplained death or a death in suspicious and certain other circumstances occurred, “may” hold an inquest.¹⁸ The Act also provided for the Advocate General for Northern Ireland to direct that an inquest should be held in other circumstances.

In the case of military deaths overseas, civilian inquests usually took place after the internal military investigation had concluded, although this was not formally required. The military investigation could provide evidence that would be extremely difficult for a coroner to source elsewhere.

25. An MOD official wrote to Mr Nicholas Gardiner, the Coroner for Oxfordshire, on 17 January 2003 to advise him that the Services were currently considering the administration for “potential mass casualties in the event of war”, and that the majority of fatalities might be repatriated to RAF Brize Norton, which fell within his area of responsibility.¹⁹ The official asked whether “normal peacetime rules” would apply and specifically whether, if there were a large number of fatalities, he would expect to hold an inquest into each case.

26. Mr Gardiner replied on 20 January, confirming that:

- If the cause of death appeared unnatural, then there would be an inquest. This would normally be held in public.
- Normal practice where there was a single death was to transfer responsibility for the inquest to the “home town coroner”. Where there were a number of deaths in the same incident it was “clearly sensible” for the same coroner to hold those inquests; that would commonly be the coroner for the point of entry.²⁰

27. Mr Gardiner and officials in the Home Office (the Department which was then responsible for coronial policy) and the MOD worked together during February and March to refine the arrangements for receiving UK fatalities.

28. Mr Gardiner advised a Home Office official on 20 February that he understood that in “contamination cases”, the bodies of deceased Service Personnel would not be returned to the UK.²¹

¹⁸ Coroners Act (Northern Ireland) 1959, as amended.

¹⁹ Letter MOD [junior official] to Gardiner, 17 January 2003, ‘Handling of Multiple Deaths as a Result of Operations Overseas’.

²⁰ Letter Gardiner to MOD [junior official], 20 January 2003, ‘Foreign Deaths’.

²¹ Letter Gardiner to Home Office [junior official], 20 February 2003, ‘Service Deaths Overseas’. Mr Gardiner’s letter provides no further details on the nature of those “contamination cases”. The Inquiry believes that Mr Gardiner was referring to casualties from chemical and biological weapons.

29. Mr Gardiner wrote to a Home Office official on 18 March, the day before military operations against Iraq began:

“There are a few matters outstanding but, generally, I think we are reasonably well prepared, although there are bound to be things we have not thought of.”²²

30. The Home Office issued guidance to all coroners on handling deaths arising from hostilities in Iraq on 26 March.²³ The guidance stated:

- The MOD had advised that, while hostilities lasted, it would not be possible to provide evidence of the incidents on the battlefield which led to injury. In those circumstances, the Home Office recommended that coroners should adjourn inquests pending the conclusion of hostilities. Coroners “could expect to receive in due course advice on when it might be appropriate to consider the resumption of such inquests”.
- Coroners should notify the Home Office “if the numbers of adjourned cases in their jurisdiction seem likely to cause problems in terms of workload”.

31. A Home Office official wrote to Mr Gardiner on 2 April to advise that, while the Home Office appreciated Mr Gardiner’s “willingness to undertake the handling of all these cases”, the extra costs involved would fall to Oxfordshire County Council and they should be invited to agree the commitment that Mr Gardiner was taking on.²⁴

32. The official went on to suggest that, “wherever appropriate, it would be better for the substantive inquests to be held by coroners local to the family concerned, as with any other deaths overseas”. While that approach had not been adopted for the inquests into the deaths caused by the 9/11 attack and the Bali bombing, in those cases the deaths all arose from a single incident:

“In the case of Iraq, the deaths are occurring in different places, at different times and in different circumstances. It seems to me, that unless there is good reason to the contrary, single deaths, and multiple deaths arising from the same incident and involving personnel from broadly the same place in England and Wales, ought to be subject to local inquests where the family or families involved can attend conveniently. Inquests into multiple deaths involving individuals from different parts of the country might properly be undertaken by you, unless there seems to be a more appropriate local coroner (e.g. if the deceased were all from the same military base).”

33. Mr Gardiner replied on 4 April, agreeing that it was certainly appropriate for some inquests to be transferred to other coroners.²⁵ Those would generally be single deaths,

²² Letter Gardiner to Home Office [junior official], 18 March 2003, [untitled].

²³ Letter Cobley to Coroners, 26 March 2003, ‘Deaths Arising from Hostilities in Iraq’.

²⁴ Letter Home Office [junior official] to Gardiner, 2 April 2003, ‘Section 14 and War Deaths’.

²⁵ Letter Gardiner to Home Office [junior official], 4 April 2003, ‘Section 14 etc’.

and multiple deaths where there was a “significant common factor” indicating that an inquest outside of Oxfordshire would be appropriate.

34. Mr Gardiner also agreed that there were “significant financial implications” for his office, and advised that he was copying the exchange to Oxfordshire County Council.

Support for bereaved families

The Casualty Notification Officer and Visiting Officer

35. Lieutenant General Sir Alistair Irwin, the Adjutant General from 2003 to 2005, described the role of a Casualty Notification Officer (CNO) for the Inquiry:

“It is the hope and expectation that those involved [CNOs] will be from the unit but sometimes, particularly if it was an individual based elsewhere, it had to be done by somebody else ... The general principle was that it should be based on the family entity, the military family entity.

“Once the casualty has been identified beyond peradventure and all the details are correct ... the CNO ... has the unenviable task of knocking on the door and presenting the bad news.”²⁶

36. Vice Admiral (VAdm) Peter Wilkinson, Deputy Chief of Defence Staff (Personnel) (DCDS(Personnel)) from 2007, told the Inquiry:

“... it is the very first official contact that a bereaved family has with the MOD or the Armed Services that determines how the journey will go from there. If that official notification is carried out appropriately from all sides, then there is a chance that we may be able to help the family as they go through the grieving and bereavement process. If, for whatever reasons, that initial official contact doesn’t go well, then it is very hard to recover. Sometimes we never do.”²⁷

37. Lt Gen Irwin described the role of a Visiting Officer (VO) for the Inquiry:

“... that person [the CNO] then stays with the family until the notified casualty Visiting Officer appears. The CNO, the one who has broken the bad news, then departs the scene and the VO then remains with the family...

...

“These people were trained ... to hold the family’s hand through the awful aftermath of this. First of all, the realisation that it has happened, then the business of going to the repatriation ceremonies, then, in many cases, going through the whole of the coroner’s process, then the funerals, and then the gradual trying to piece together

²⁶ Public hearing, 21 July 2010, pages 47-48.

²⁷ Public hearing, 19 July 2010, page 49.

life again. Some families, of course, needed their VOs only briefly; others needed them ... for really quite a long time.”²⁸

38. VOs were not generally specialists, but Service Personnel who were asked to take on the role in addition to their regular duties because they were thought to be suited to it.²⁹

39. In December 2002, following a number of high-profile cases, the Army acknowledged that its procedures for supporting bereaved families “fell short of modern expectations” and introduced a number of changes, including:

- CNOs and VOs were briefed to try to identify any issues that might affect communications with the immediate and wider family (such as divorced or separated parents). If necessary, a second or third CNO could be appointed.
- All Notifying Authorities were instructed to maintain a pool of CNOs and VOs “who must have attended a seminar at Brigade or Divisional level”.
- Notification was to take place at any time of day or night, to avoid families hearing the news from elsewhere.
- The VO would remain in contact with the family as the focus for all communication, as long as the family wished.³⁰

40. The Army refined that approach through 2003 and 2004, in the light of their experience of supporting the families of Service Personnel killed in Iraq.

Immediate remedial action on bereavement procedures

41. The prospect of military operations against Iraq prompted the MOD to bring forward plans to extend some benefits to unmarried partners.

42. Mr Hoon was advised on 26 February 2003 that, with conflict in Iraq looming, the Government should end the uncertainty on whether unmarried partners of Service Personnel were eligible for benefits in the event of their death.³¹

43. Unmarried partners were not entitled to benefits under the Armed Forces Pension Scheme (AFPS) and only certain unmarried partners were entitled to benefits for death attributable to service under the War Pension Scheme (WPS). The MOD advised that the new Armed Forces compensation and pension schemes would extend benefits to unmarried partners (both heterosexual and homosexual) for attributable and non-attributable injury and death, but the new schemes would not be implemented before 2005/06.

²⁸ Public hearing, 21 July 2010, pages 48-49.

²⁹ Public hearing, 21 July 2010, page 50.

³⁰ Paper MOD, [undated], ‘The Army Investigations and Aftercare Support Cell (AIASC)’.

³¹ Iremonger to PS/Secretary of State [MOD], 26 February 2003, ‘Unmarried Partners – Implications for the Gulf’.

- 44.** Ministers had already indicated that, in certain circumstances, the Government would extend benefits to unmarried partners on a “case-by-case” basis.
- 45.** That position now needed to be clarified and formalised, by agreeing that AFPS benefits should be extended to unmarried partners for deaths attributable to service.
- 46.** On 20 March, Dr Lewis Moonie, the Parliamentary Under Secretary of State for Defence, announced that, with immediate effect, where a member of the Armed Forces died as a result of service related to conflict, ex-gratia payments equivalent to the benefits paid to a surviving spouse under the AFPS could be awarded to their unmarried partner, where there was a substantial relationship.³²
- 47.** In late March, the MOD’s Armed Forces Personnel Administration Agency (AFPAA) wrote to the spouse of a Serviceman who had been killed in Iraq advising that an overpayment of her late husband’s salary – relating to the period between his death and formal identification – would be recovered from her benefits.³³
- 48.** The bereaved spouse also felt that the AFPAA was pressuring her to leave her Service Family Accommodation (SFA).
- 49.** The MOD’s policy at that time was to allow spouses of deceased Service Personnel to remain in SFA for up to six months.³⁴ That period could be extended in some circumstances.
- 50.** The case attracted significant press attention.
- 51.** The bereaved spouse wrote to Mr Blair on 26 March, setting out her concerns. Mr Blair replied on 7 April, stating that Mr Hoon would consider the detailed points raised in her letter, but assuring her that she would be given all the time she required to consider her future housing needs.³⁵
- 52.** Mr Hoon told Lt Gen Palmer on 15 April that he was “very uncomfortable” with the MOD’s handling of the case, including both the tone and content of the AFPAA’s letter.³⁶ Lt Gen Palmer confirmed that the letter was “factually incorrect”, as there were no grounds for seeking repayment.
- 53.** The following day, Mr Hoon tasked Lt Gen Palmer to oversee “a comprehensive review of the way in which all three Services handled bereaved families”.³⁷

³² House of Commons, *Official Report*, 20 March 2003, column 54WS.

³³ Minute Palmer to 2SL [MOD], 15 April 2003, ‘Op TELIC – Pay, Pensions and Allowances Issues on Death of Service Personnel’.

³⁴ Record, 12 May 2003, ‘Record of Bereavement Policy Meeting Held in St Giles Court at 1330 on 7 May 2003’.

³⁵ Letter Blair to [name redacted], 7 April 2003, [untitled].

³⁶ Minute Palmer to 2SL [MOD], 15 April 2003, ‘Op TELIC – Pay, Pensions and Allowances Issues on Death of Service Personnel’.

³⁷ Minute Cooper to CE AFPAA, 24 April 2003, ‘Assistance to Bereaved Relatives – Policy Review’.

54. Lt Gen Palmer wrote to Mr Hoon's Private Office on 17 April, confirming that work was already in hand to conduct that comprehensive review (an initial report would be available by 16 May), and reporting the "immediate remedial action" that had been taken in response to the individual's experience:

- Lt Gen Palmer had "declared" that all except one of the Op TELIC fatalities to date were attributable to service. That declaration meant that the usual assessment of attributability would not be required, and that families could be notified now that the higher benefits associated with deaths attributable to service would be paid.
- The letters used by the AFPAA were not appropriate. As of 16 April, all letters dealing with Op TELIC had been "personally vetted" by the AFPAA's Chief Executive and checked by the appropriate Service Casualty Co-ordination Centre.
- Families of Service Personnel were now able to stay in their service accommodation for "as long as they feel they need to in order to assess their longer-term housing requirements". If pressed, VOs should "talk in terms of nine months although stressing that each case will be examined on its merits".
- The MOD had asked the deceased insurer's to accelerate their procedures.³⁸

55. Lt Gen Palmer was advised on the same day that the MOD was facing a new challenge: "Policy ... changing 'on the hoof'".³⁹

56. Lt Gen Palmer provided his first report to Mr Hoon on bereavement procedures on 16 May.⁴⁰ It identified six recent, specific lapses in the MOD's handling of bereaved families (two of which pre-dated Op TELIC), and three broader areas where improvement was necessary:

- the volume, timing and style of correspondence between multiple MOD organisations and bereaved families;
- a lack of clarity over the sources of specialist advice available to bereaved families; and
- the "training/education" of CNOs and VOs.

57. Lt Gen Palmer reported the actions that had already been taken to prevent a recurrence of those specific lapses, and restated the decisions of the previous month

³⁸ Minute DCDS(Pers) to APS/Secretary of State [MOD], 17 April 2003, '[name redacted] – Follow-up Action'.

³⁹ Minute Cheadle to Palmer, 17 April 2003, 'Op TELIC – Pay, Pensions and Allowances Issues on Death of Service Personnel'.

⁴⁰ Minute DCDS(Pers) to PS/USoS [MOD], 16 May 2003, 'Bereavement – Review of Procedures'.

to relax the MOD's policy on the retention of SFA and to improve the quality of AFPAA correspondence. Lt Gen Palmer also advised that:

- He had directed that all MOD correspondence should be routed through the deceased's unit and the VO, and all MOD visits to bereaved families should be co-ordinated by the VO.
- Further work would be done to develop "simple and readable" guidance, to improve the tone of correspondence, and to develop a comprehensive guide to the sources of advice and support available.
- Further work would be done to assess the selection, training and education of CNOs and VOs.

58. In March 2004, the MOD concluded a study to identify improvements to their investigative and Board of Inquiry (BOI) processes.⁴¹ While the study focused on the investigative and BOI processes themselves, it recommended that:

- Commands should establish a senior focal point with responsibility for pro-actively monitoring all investigations and BOIs;
- all communication with families should be routed through a "single established and known contact", who could explain the context of any correspondence and "head-off any infelicitous or insensitive drafting"; and
- a "knowledgeable and consistent" officer should regularly brief families on the detail and progress of the entire investigation and BOI process.

59. On 24 June, Lt Gen Palmer reported to Air Chief Marshal (ACM) Sir Anthony Bagnall, Vice Chief of Defence Staff (VCDS), that each Service had now appointed a "Senior Co-ordinator" to act as a focal point for monitoring investigations and Inquiries.⁴² Lt Gen Palmer also gave ACM Bagnall the "specific reassurance" that he had requested that each Service had undertaken to provide regular briefings to next of kin on process and progress. All communication with the next of kin would be routed through a single contact (normally the VO) who would "act as a sift" to filter out any insensitive or inconsistent drafting.

60. Lt Gen Palmer advised ACM Bagnall that a study into Services' bereavement support procedures, including the training provided to CNOs and VOs, had now reported. The study had concluded that:

- While it might seem logical to adopt a tri-Service approach to bereavement support procedures, it was reasonable for each Service to continue to use their

⁴¹ Paper MOD [junior official], 25 March 2004 [incorrectly dated on original as 24 February 2004], 'Inquiries/Investigations into Death or Serious Injury on Operations: Scope for Improvement and Tri-Service Harmonisation – a Short Study for VCDS/DCDS(Pers)'.

⁴² Minute DCDS(Pers) to VCDS, 24 June 2004, 'Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing'.

“slightly different” approaches given their differing geographical spread, unit organisations and ethos.

- With the exception of the Royal Navy, which generally used qualified welfare workers, “bereavement support personnel” were appointed on an ad hoc basis from the junior officer cadre. While bespoke training for the entire cadre was neither cost-effective nor deliverable, it should be possible to provide “awareness briefings” during general staff training, supplemented by “thorough briefings” by specialist personnel when an individual was appointed to be a VO.⁴³

61. Lt Gen Palmer advised ACM Bagnall that he supported those findings, but commented that ACM Bagnall might wish to “revisit” the conclusion that it would not be financially or practically viable to develop a bespoke training course for individuals involved in bereavement support.⁴⁴

62. ACM Bagnall accepted the findings, but commented that existing single-Service or tri-Service courses could include some coverage of bereavement support procedures.⁴⁵

63. On 30 June, Lt Gen Palmer provided Mr Hoon with an update on work to improve the BOI process.⁴⁶ The update also covered progress on improving communications with families.

64. Lt Gen Palmer advised Mr Hoon that it was “clear that we are failing to meet some families’ expectations in respect of the quality and quantity of information we are providing to them”. A key step in improving communications between families and the MOD would be the appointment of a Senior Co-ordinator in each of the Services to ensure that families were briefed, through their VOs, on the progress of investigations and BOIs; the role of the Senior Co-ordinator, and progress in improving the BOI process, is described later in this Section.

65. Lt Gen Palmer recalled the steps that had been taken to improve the tone and accuracy of the MOD’s correspondence with bereaved families and advised that, as far as practicable, all routine correspondence now followed standard templates. The production of a joint casualty procedures manual⁴⁷ and the formation of a Joint Casualty Co-ordination Cell (JCCC) by January 2005 would further improve communication with families. As a “final filter”, all communication with families was now routed through a single point of contact, usually the VO.

⁴³ Paper MOD, [undated], ‘Bereavement Support Training (Scoping Study) – Summary of Findings and Recommendations’.

⁴⁴ Minute Palmer to VCDS, 24 June 2004, ‘Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing’.

⁴⁵ Minute VCDS to Palmer, 1 July 2004, ‘Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing’.

⁴⁶ Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, ‘Boards of Inquiry – Improvements in Process’.

⁴⁷ The first Joint Casualty and Compassionate Policy and Procedures (JSP 751) manual was published in March 2005.

66. Lt Gen Palmer reported that the review of training for personnel involved in bereavement support had concluded that a bespoke training course would be neither “financially nor practically viable”, but had identified a number of ways in which they would be better supported. The “problems of picking VOs from a necessarily ad hoc pool” could be overcome by including VO duties in general staff training, ensuring that specialist advice was available when needed, and ensuring that the “often junior” VO was properly briefed and supervised. Lt Gen Palmer expected that senior commanders would take a close and personal interest in ensuring that this was done properly.

67. In April 2005, Lt Gen Palmer recommended that the MOD’s policy on the occupation of Service Family Accommodation by bereaved spouses should be changed to be “less prescriptive”:

“... while bereaved spouses should be offered retention of SFA for two years we should acknowledge that there might be some ... who seek to retain their SFA for an indefinite period thereafter.”⁴⁸

68. Mr Hoon agreed that recommendation, subject to a number of amendments, including that Ministers should be consulted before any decision was taken to withdraw housing entitlement beyond the two-year period.⁴⁹

69. Mr Adam Ingram, Minister of State for the Armed Forces from 2001 to 2007, recalled the exchange in his evidence to the Inquiry:

“... the view [in the MOD] was, ‘Well, this is going to dislocate all the other arrangements, if you let this widow stay in the house’, and Geoff Hoon just said ‘So what? Fix it’, and it was fixed. I think, to the best of my recollection, we didn’t have a deluge of demand in that area. It may have been beneath the surface, but it never became a reality and, if it had been: yes, they can stay there, yes, we have to be sympathetic.”⁵⁰

Joint procedures and a Joint Casualty Co-ordination Cell

70. The Joint Casualty Co-ordination Cell (JCCC) was established in early 2005 to provide a focal point for casualty administration and notification and requests for compassionate travel.⁵¹

⁴⁸ Minute Palmer to APS/SofS [MOD], 11 April 2005, ‘Draft Revised Policy for the Occupation of SFA by Bereaved Spouses Following the Death in Service of the Service Licensee’.

⁴⁹ Minute APS/SoS [MOD] to Palmer, 13 April 2005, ‘Revised Policy for the Occupation of SFA by Bereaved Spouses’.

⁵⁰ Public hearing, 16 July 2010, pages 39-40.

⁵¹ Ministry of Defence website, *Casualty Procedures*.

71. Air Marshal David Pocock, the Deputy Chief of Defence Staff (Personnel) from 2005 to 2007, told the Inquiry that in 2004:

“... there was clear dissatisfaction with the notification procedures because ... it was a single-service responsibility and we were required very quickly to set up a Joint Casualty and Compassionate Cell ... and that took over getting the information from theatre, identifying a [Casualty] Notification Officer and setting the whole notification procedure in place ... on a joint basis.”⁵²

72. Lt Gen Irwin told the Inquiry that during his time as Adjutant General (from 2003 to 2005):

“... I think [there were] 57 Army casualties ... and I would think, looking back on it, that I may have heard about issues in the notification process, and by ‘issues’ I mean either delays in doing it or calling on the wrong person, or the wrong sort of words being said at the wrong sort of time, I think maybe I had cases of that kind maybe between six and ten, so something of that order.”

“... as an individual, that family, there was nothing in the world was more significant. So we had to keep asking ourselves, ‘Are we doing this right?’

...

“So as each issue developed, we tried to close it off, but even after all this time and even with the establishment of the new joint system, with the new central training, even then, I am afraid I can guarantee that, in the future, there will be people who have a bad experience with this for one reason or another, and it is because we are all human beings.”⁵³

73. The first version of the Joint Casualty and Compassionate Policy and Procedures (JSP 751) was produced in March 2005 (policy and procedures had previously been set and managed by the individual Services).

74. Lt Gen Palmer described the JSP as drawing together into one publication the best practices and procedures currently in place across the three Services.⁵⁴

⁵² Public hearing, 19 July 2010, page 50.

⁵³ Public hearing, 21 July 2010, pages 52-53.

⁵⁴ Minute DCDS(Pers) to VCDS, 30 July 2004, ‘Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing’.

75. Shortly after the JCCC was established, the Army established the Army Investigations and Aftercare Support Cell (AIASC) to improve and extend the Army's support for families.⁵⁵ The AIASC had two main roles:

- to maintain close contact with bereaved families on a regular basis for as long as they wanted, including estranged family members. This included regular letters on the progress of Service Police investigations and BOIs; and
- on behalf of the Army's Senior Co-ordinator, to oversee the BOI process and ensure that delays were kept to a minimum.

76. The AIASC had a number of secondary roles, including developing and maintaining a formal, standardised training package for CNOs and VOs. The AIASC aimed to implement that package by the end of 2005.

TRAINING AND SUPPORT FOR CASUALTY NOTIFICATION OFFICERS AND VISITING OFFICERS

77. JSP 751 stated that CNOs should "if possible ... have received some training or instruction such as in dealing with bereavement" and that VOs should "if possible ... have received some relevant training or instruction".⁵⁶

78. Lieutenant General Mark Mans, the Deputy Adjutant General, wrote to senior Army commanders on 25 November 2005, to remind them of the importance of selecting appropriate and experienced individuals to be VOs:

"Although the majority do an excellent job, from time to time the wrong person is nominated and invariably significant difficulties follow. This happened again recently ...

"The training of both Casualty Notification Officers (CNOs) and VOs is also most important and although JSP [751] says 'if possible ... should have received some training', it should be exceptional for them not to have attended some sort of instruction."⁵⁷

79. Lt Gen Mans advised that a centralised training package based on an interactive CD and accompanying material should issue in early 2006 and would form the basis of all future training (divisions and brigades currently ran their own training). Training would become mandatory when this package issued.

80. Lt Gen Mans told the Inquiry that VOs had:

"... a fairly comprehensive training programme in order to deal with a number of issues ... and, indeed, as individuals, they need to be looked after as well because,

⁵⁵ Paper MOD, [undated], 'The Army Investigations and Aftercare Support Cell (AIASC)'.

⁵⁶ Paper MOD, 11 July 2005, 'JSP 751: Joint Casualty and Compassionate Policy'.

⁵⁷ Minute Mans to Comd BFC, 25 November 2005, 'Selection of Visiting Officers'.

if you are a Visiting Officer, you can have a pretty traumatic time. Throughout a period of a tour of duty, you might be looking after one or two or three families one after the next, and they need to be monitored for stress ... and we have a process in place to do just that.”⁵⁸

81. Lt Gen Irwin told the Inquiry that “there is no doubt about it that the training is better now, the preparation is better now”.⁵⁹

82. MOD Ministers returned to the issue of the training and support provided to Visiting Officers in 2008.

83. In February 2008, Sir Bill Jeffrey, the MOD’s Permanent Under Secretary, provided detailed advice to Mr Bob Ainsworth, Minister of State for the Armed Forces, on how the BOI process could be improved and how the existing process could be accelerated.⁶⁰ Sir Bill’s advice did not consider the role of the VO.

84. Mr Ainsworth held a meeting on 11 April to discuss that advice.⁶¹ The record of the meeting reported:

“The Minister raised the issue of interface with families. He recognised that the Visiting Officer role was very difficult ... He also recognised the clear single Service lead in this area ... He, nevertheless, felt that more could be done in terms of the resourcing and training of Visiting Officers. He felt that the cell [the Defence Inquests Unit] should play a role in this area, focusing on ensuring the right training and guidance is provided, sharing best practice between the Services and monitoring performance.”

The experience of bereaved families

85. The experiences that family members have shared with the Inquiry suggest that there was considerable variation in the quality of the notification process. Some family members spoke positively about the sensitive and prompt way in which the news was delivered. A smaller number reported negative experiences, including:

- insensitive delivery;
- an impression that details were being withheld (particularly in ‘friendly fire’ incidents or where there was a possibility of equipment failure);
- release of names to the media before official notification;
- circulation of names amongst the families of others deployed in Iraq before official notification; and

⁵⁸ Public hearing, 19 July 2010, page 45.

⁵⁹ Public hearing, 21 July 2010, page 48.

⁶⁰ Minute Jeffrey to Minister(AF) [MOD], 29 February 2008, ‘Boards of Inquiry and Inquests’.

⁶¹ Minute PS/Min(AF) to APS/Secretary of State [MOD], 11 April 2008, ‘Boards of Inquiry and Inquests’.

- use of archive footage by the media which featured the deceased as though they were still alive, causing confusion about what was the truth.

86. The experiences shared with the Inquiry suggest that the creation of the JCCC led to an improvement in the quality of the notification process.

87. There was also considerable variation in families' experience of the support provided by Visiting Officers (VOs). In some cases, an enduring and positive relationship resulted. In others:

- The VO was changed without warning, in some instances more than once.
- The VO was badly briefed and lacked knowledge of procedures.
- Insensitive language and behaviour caused distress.
- Contact was sporadic.

88. The Inquiry also heard about a number of distressing incidents which, although they do not form part of a wider pattern, are illustrative of how a lack of care can have a significant impact. They were:

- Following an air crash in which several Service Personnel died, a number of body parts remained unidentified. Families of those who had died were not told about the existence of those unidentified body parts, and many had already held funerals by the time identification was complete, making a second ceremony necessary.
- One family discovered that photographs of their son's body had been used, without permission being sought, in a training seminar.
- One family member accepted military advice not to view their son's body based on the impact of the injuries suffered. But facial reconstruction had taken place and there had already been a viewing for another family member.

89. Anyone serving in the Armed Forces is asked to designate one person as their official next of kin. When a fatality occurs, the CNO contacts the next of kin, and they are the ongoing point of contact for a VO.

90. Parents who lost children in Op TELIC told the Inquiry that one consequence of this arrangement was a disparity between the information and support provided to the partner of the deceased, usually the person named as next of kin, and to parents. As one father told the Inquiry, being a bereaved parent can be a very lonely business.

91. The need for greater support to a wider family than just the next of kin was recognised by the Government in July 2008:

"We recognise that the loss of a Service person affects the whole of the bereaved family, not just the next of kin or nominated emergency contacts, on whom we

traditionally tend to focus our contact and support. We will review our procedures to ensure that in future sufficient account is taken of the needs of the wider family.”⁶²

Early concerns about military investigations

92. The MOD had a wide range of internal investigations that could be carried out following a fatality or other serious incident occurring on operations.⁶³ They included:

- Land Accident Investigation Team (LAIT) investigations. The LAIT could respond to incidents at very short notice and would normally report within 30 days. It sought to determine the cause of an accident and make timely recommendations to prevent reoccurrence. It did not apportion blame. A LAIT report could inform a Board of Inquiry/Service Inquiry, or substitute for it where the facts of the case were sufficiently clear.
- Service Police investigations. Each Service has its own Service Police force; for the Army, that is the Royal Military Police (RMP). The Special Investigation Branch (SIB) of each Service Police force investigates the most serious cases. The MOD told the Inquiry: “While the need for a prompt investigation is important, and may be vital, there are no specific deadlines for the completion of Service Police investigations.”
- Boards of Inquiry (BOIs). The purpose of a BOI was to establish the facts about an event, to make recommendations to prevent a reoccurrence, and to inform any decision on whether other action, such as administrative or disciplinary action, should be initiated.⁶⁴ BOIs would not generally attribute blame.

Impact of a study on military inquiries and investigations, March 2004

93. On 26 June 2003, Mr Hoon received an update on the SIB investigation into the death of a member of the Armed Forces.⁶⁵

94. Mr Hoon’s Private Office responded on 30 June, expressing Mr Hoon’s concern that the individual’s next of kin had not yet been informed of the result of the post-mortem, in particular as the media might release that information.

95. Mr Hoon’s Office also asked for an update on all the BOIs and other investigations that had been launched into the deaths of Service Personnel killed in Iraq, including details of the “timescales and inter-dependencies on the investigations reaching their conclusions”.

⁶² Ministry of Defence, *The Nation’s Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*, July 2008, Cm 7424, para 2.34.

⁶³ Paper MOD, [undated], ‘Service Inquiries and Investigations’.

⁶⁴ Paper [SPEG], 19 July 2004, ‘Proposals for a Tri-Service Inquiry System’.

⁶⁵ Minute APS/Secretary of State [MOD] to PJHQ Civ Sec, 30 June 2003, ‘Completion of Main Stage of SIB Investigation into the Death of [name redacted] and Other Action’.

96. On 4 July, Mr Ian Gibson, MOD Deputy Director Service Personnel, sent an update on progress on BOIs and investigations to Mr Hoon's Office.⁶⁶ The update detailed 43 fatalities resulting from 21 incidents. Only one BOI, into the loss of a Sea King helicopter with six UK Service Personnel on board on 22 March, had so far reported. A date for the inquest had not yet been set.

97. Later that month, Mr Gibson sent Mr Hoon's Office a paper describing military investigative and BOI processes, which highlighted the different approaches taken by the Services.⁶⁷ The Royal Navy and RAF would generally launch a BOI as soon as an incident occurred, at the same time as they deployed a criminal investigative team (if they thought that one was required). In contrast, the Army would only launch a BOI after an investigative team had reported. The MOD was considering the scope for harmonising the Services' approaches to BOIs as part of the Tri-Service Armed Forces Act.

98. Mr Ingram's Private Secretary wrote to ACM Bagnall on 15 September:

"Minister (AF) [Mr Ingram] is concerned about the increasing perception amongst next of kin (and as a consequence Parliamentarians) that investigations into the deaths of personnel in Iraq lack focus and are taking too long. Families also have the impression that they are not kept informed of progress, however modest. These are admittedly perceptions, but most investigations seem slow."⁶⁸

99. While Mr Ingram understood the complications arising from the roulement of formations and the operational situation:

"Nonetheless, he feels that we need to strengthen our 'grip' on these sensitive issues, to ensure that corporate memory is preserved, that investigations are prosecuted as vigorously as possible, and that the flow of information to NOK [next of kin] is actively managed. This may best be done through the DCMO [Defence Crisis Management Organisation]."

100. Mr Ingram's Private Secretary asked for advice on how that "central management" of the process might be achieved.

101. ACM Bagnall received advice in September and October on how the MOD's investigative processes might be improved.

102. Major General Richard Shirreff, Chief of Staff LAND, advised ACM Bagnall on 24 September that the key to accelerating RMP/SIB investigations in Iraq was more

⁶⁶ Minute Gibson to APS/Secretary of State [MOD], 4 July 2003, 'Investigations into Op TELIC UK Service Personnel and UK Civilian Deaths'.

⁶⁷ Minute Gibson to APS/Secretary of State [MOD], 17 July 2003, 'Investigations into Op TELIC UK Service Personnel and UK Civilian Deaths: Procedures for Service Deaths'.

⁶⁸ Minute PS/Min(AF) [MOD] to MA/VCDS, 15 September 2003, 'TELIC Incidents: Investigations'.

resources, and asked that mobilised Reservists and military police from other Services should be deployed to assist with Op TELIC investigations.⁶⁹

103. Lt Gen Palmer advised ACM Bagnall on 17 October that the Army's policy of investigating all deaths, while "cautious and prudent", placed a heavy burden on RMP/SIB resources.⁷⁰ There was scope for the Services to consider a common policy on when it was necessary for Service Police to investigate an incident, and when a BOI or LAIT investigation would suffice.

104. Lt Gen Palmer also advised that, notwithstanding the Army's policy, the main reason for delays to investigations on Op TELIC was the difficult working environment in Iraq (including the need for force protection for Service Police and a potentially hostile population). The MOD was now deploying "SIB qualified" Reservists to Iraq, but the RMP "remain swamped with the volume of investigative work".

105. In early 2004, ACM Bagnall and Lt Gen Palmer commissioned an internal study to identify improvements that could be made to the MOD's investigative processes, and in particular the scope for harmonising procedures across the three Services.⁷¹

106. The study reported in late March 2004. It concluded that the core BOI process ran "reasonably well" once triggered. The more significant problems related to how and when BOIs were convened, how they linked to other investigations, and how their findings were processed.

107. The study highlighted the "considerable delay" to Army BOIs that could be caused by a LAIT investigation and by the Army's practice of undertaking a full RMP/SIB investigation into all sudden deaths:

"LAIT TOR [Terms of Reference] define four weeks for issue of report after return from investigation, and HQLAND BOI Standing Orders define another 14 weeks after issue of final LAIT and SIB Reports before the BOI first sits. In other words, the target for the BOI to start is some five months after the incident, if everything goes to plan ... five months seems too long for a routine target."

108. The study also reported that, while existing guidance emphasised that investigations and inquiries should be opened and concluded as quickly as possible, "the words and figures do not match, and it has to be said that the Army's target timescale of some 10 to 11 months after incident [to the conclusion of the BOI] looks somewhat excessive, particularly when only two months of that is the BOI itself sitting". The majority of that 10-11 month period was allocated to "waiting for any successive comments" from advisers and senior officers to complete the BOI report.

⁶⁹ Minute Shirreff to VCDS, 24 September 2003, 'Op TELIC Incidents – Investigations'.

⁷⁰ Minute Palmer to VCDS, 17 October 2003, 'TELIC Incidents: Investigations'.

⁷¹ Paper MOD, 25 March 2004 [incorrectly dated on original as 24 February 2004], 'Inquiries/Investigations into Death or Serious Injury on Operations: Scope for Improvement and Tri-Service Harmonisation – a Short Study for VCDS/DCDS(Pers)'.

109. The study made 15 recommendations, including:

- Commands should establish a senior focal point with responsibility for pro-actively monitoring all investigations and BOIs.
- There should be a presumption across all three Services that a BOI President should be appointed promptly.
- A BOI President should be required to exercise grip and co-ordination over all Service investigative bodies, and liaise with non-Service bodies. Presidents should be released from other duties.
- There should be a “renewed emphasis ... upon early commencement and conclusion of all phases and maximum concurrent activity”. The standard target timescales for all phases of the investigative and inquiry processes should be reviewed and tightened. The time allowed for advisers and senior officers to comment should be limited to six weeks.
- All communication with families should be routed through a “single established and known contact”, who could explain the context of any correspondence and “head-off any infelicitous or insensitive drafting”.
- A “knowledgeable and consistent” officer should regularly brief families on the detail and progress of the entire investigation and BOI process.

110. The study also reported that there was a significant increase in public expectations that there should be a BOI into every incident, and that its conclusions should be disclosed. That imposed a “heavy workload” on all three Services but especially the Army.

111. Lt Gen Palmer wrote to Mr Ingram on 6 April, advising that all the recommendations in the study had been agreed by the Services; the “main recommendations” would be implemented immediately.⁷² The “main advance” from the existing process was that the presumption that a BOI should be convened promptly, with a BOI President appointed within 48 hours of the incident, would now be extended to the Army (it was already standard practice in the Royal Navy and RAF). The President would normally be released from other duties and would “play a wider role in determining and co-ordinating the activities of any other necessary investigations, notwithstanding that he might decide not to convene his own Board immediately”.

112. Lt Gen Palmer set out how communication with the next of kin would be improved. All communications would be routed through a single “personal contact point”. The next of kin would be “briefed clearly, comprehensively and regularly” on the investigation and BOI process. Information that would not compromise the BOI could be released to the next of kin before the final report issued; a clear disclosure policy consistent with

⁷² Minute Palmer to Ingram, 6 April 2004, ‘Inquiries into Unnatural Death and Serious Injury on Operations: Improvements in Process and Briefing’.

the Data Protection Act (DPA), Freedom of Information Act (FOI Act) and other relevant legislation would be developed.

113. Lt Gen Palmer also advised that a report on the progress of all Inquiries and investigations would be sent to Ministers every two months.

114. Mr Hoon met some of the families bereaved during Op TELIC on 28 April.⁷³ They expressed concern about the Services' investigative processes in general and in particular the quality and frequency of communication from the MOD, and said that they lacked confidence in the BOI and investigative processes. Their concerns triggered a review of Service Police investigations, which is described later in this Section.

115. Mr Hoon received the first progress report on investigations and BOIs on 14 June.⁷⁴

116. Mr Hoon's Assistant Private Secretary responded to the progress report on 18 June, stating that the MOD now had, for the first time, visibility of the extent and progress of all current investigations.⁷⁵ The Assistant Private Secretary reported that Mr Hoon had:

"... noted that the submission has confirmed a number of weaknesses, in particular the length of time it has taken to complete many of the investigations and the apparent lack of communication with some of the families on the more protracted investigations. The Secretary of State [Mr Hoon] will expect to see improvement in these and the other areas as the Board of Inquiry study recommendations are implemented. He will also wish to see early results in the work commissioned by VCDS into the procedural aspects of SIB investigations. It is important that these workstrands are linked: how many BOIs are delayed because of SIB work? He will also wish to see progress in the next report on bringing the more protracted investigations to a speedy close."

117. Mr Hoon's Assistant Private Secretary concluded that Mr Hoon would "wish to be assured that making progress on the various investigations and the Boards of Inquiry continues to receive appropriate senior management attention".

118. Lt Gen Palmer told the Inquiry:

"... the Secretary of State [Mr Hoon] himself was personally briefed every two months by me as to exactly which Board of Inquiry was delayed, or rather the findings were delayed, why they were delayed, what the reasons for the delay was. Could we do anything to speed up the process, and how are the families reacting to this?"⁷⁶

⁷³ Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.

⁷⁴ Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, 'Boards of Inquiry – Improvements in Process'.

⁷⁵ Minute APS/Hoon to DCDS(Pers), 18 June 2004, 'Inquiries into Unnatural Death and Serious Injury on Operations: First Routine Report'.

⁷⁶ Public hearing, 21 July 2010, page 56.

119. On 24 June, Lt Gen Palmer reported to ACM Bagnall that the “initial tranche” of improvements identified by the BOI study (comprising 13 of the 15 recommendations) was now in place.⁷⁷ Each Service had appointed a “Senior Co-ordinator”, to act as a focal point for monitoring investigations and BOIs. Lt Gen Palmer gave ACM Bagnall the “specific reassurance” that he had requested, that:

- Each Service had agreed to appoint a BOI President within 48 hours, unless judged unnecessary by a higher authority.
- Each Service had undertaken to provide regular briefings to next of kin on process and progress. All communication with the next of kin would be routed through a single contact (normally the Visiting Officer) who would “act as a sift” to filter out any insensitive or inconsistent drafting.

120. Lt Gen Palmer also reported that he had carefully considered a suggestion from Mr Hoon that the BOI process should include “an individual who is independent of both MOD and the bereaved family ... who would give a view of whether or not the BOI had completed its job successfully, before the report was published”, but had concluded that:

“... the purpose for which BOIs are established and the perceived presentational need to prove to external parties that they carry out their work successfully cannot sensibly be reconciled.”

121. Lt Gen Palmer advised that including an independent element would delay the BOI process, “yet bring no guarantee of adding value, credibility or acceptability of a Board’s findings”. Families’ concerns could largely be met by the “administrative arrangements – including better communications – already put in place”.

122. Ministers returned to the question of whether there should be an independent member on a BOI in 2007.

123. On 30 June, Lt Gen Palmer sent Mr Hoon a progress report on work to improve the BOI process.⁷⁸ Lt Gen Palmer wrote that it was “clear that we are failing to meet some families’ expectations in respect of the quality and quantity of information we are providing to them”. The key to improving the flow of information to families would be the new Senior Co-ordinators, who would ensure that BOIs proceeded quickly and that families were briefed on progress.

124. Lt Gen Palmer reflected on the role and impact of the Senior Co-ordinator in his evidence to the Inquiry:

“... he was responsible for the progress of Boards of Inquiry. If there were delays, why there were delays and what should be done about it, and keeping, importantly, the families informed through the visiting officers as to what was going on.

⁷⁷ Minute DCDS(Pers) to VCDS, 24 June 2004, ‘Inquiries into Unnatural Death and Serious Injury: Improvements in Process and Briefing’.

⁷⁸ Minute DCDS(Pers) to APS/SoS [MOD], 30 June 2004, ‘Boards of Inquiry – Improvements in Process’.

“We put that in place relatively quickly.

“Now that did not immediately speed up the Boards of Inquiry, because some of them were quite complicated.

“We have already alluded to a shortage of military police investigators ... but the emphasis – because I think this is what the grievance was – was lack of information. The families felt they were excluded from the process.

“I personally believe, once we put ... in place ... a regular briefing for families about where their particular Board of Inquiry had got to, they were less exercised ...”⁷⁹

125. Lt Gen Palmer also advised that all the “quick wins” identified in the BOI study were now in place; work continued to establish a robust disclosure policy and devise a mechanism to allow local commanders to initiate an immediate investigation in urgent and exceptional cases.

126. The target timeline for a BOI was tightened in June 2004, to allow 14 weeks from the incident to the formal release of the completed BOI report to the next of kin.⁸⁰ That timeline comprised eight weeks for the production of the BOI report and six weeks for advisers and senior officers to comment and complete it.

127. The BOI process was also amended at that time to include the production of additional progress reports for the next of kin.

128. The steps taken by the MOD to improve communication with and support for next of kin and bereaved families, including the review of bereavement procedures and the review of training for personnel involved in bereavement support, are described later in this Section.

Review of Service Police investigations, October 2004

129. During a meeting with Mr Hoon on 28 April 2004, a number of bereaved families expressed a lack of confidence in the Services’ investigative processes.⁸¹

130. In response to those concerns, ACM Bagnall commissioned a review of the timeliness and effectiveness of Service Police investigations.⁸²

131. The review, which reported in October, concluded that:

- There were no major issues that were not already being considered.
- There was no evidence that the quality of Service Police investigations was inadequate.

⁷⁹ Public hearing, 21 July 2010, pages 55-56.

⁸⁰ Minute DCDS(Pers) to PS/SoS [MOD], 17 July 2006, ‘BOI Timelines – a Proposal for Extension’.

⁸¹ Minute DCDS(Pers) to APS/SofS [MOD], 30 June 2004, ‘Boards of Inquiry – Improvements in Process’.

⁸² Report Loudon, 12 October 2004, ‘Review of Service Police Investigations on Operations’.

- Service Police in Basra were “operating at full stretch and had a considerable backlog”. A key constraint was that relatively few Service Police investigators were qualified to Level 3 (able to carry out the investigations into the most serious offences). More investigative personnel should be trained to the Level 3 standard, and deployed.
- Service Police in Basra needed more equipment and administrative support.⁸³

132. On the timeliness of investigations, the review stated:

“There can be both avoidable and unavoidable delays, but complex investigations and the post-investigative processes do take time and speed must not be at the expense of quality. That said, some trimming may be possible in respect of the timescales for some steps in the process.”

133. The review recommended that the timescales for the individual steps of the post-investigative process should be revalidated.

134. The review also identified the practical difficulties in undertaking investigations in a non-permissive environment such as Iraq, including:

- A number of Service Police personnel had been tasked to train the Iraqi Police Service.
- Service Police needed force protection, which was not always available.
- Access to the crime scene and to witnesses could be difficult, and could cause further tension.

135. Lt Gen Irwin told the Inquiry:

“... as the operation [in Iraq] developed, it began to be something that came to my attention and, therefore, could be regarded as a possible problem, that the Royal Military Police were not there in sufficient numbers to do everything that was required of them in a completely timely fashion.

“Now, of course, when you are trying to investigate incidents when there is shooting going on, there is always going to be a delay that would not occur in the normal circumstance, but nevertheless I began to get a feeling that maybe there were not enough military police in Iraq and maybe also that, extrapolating from that, there were not enough military policemen ... in the British Army.

“So I spent – I would not say every day, but quite regularly I used to speak to the Provost Marshal (Army) and ask him the direct question, looking at him in the eye, ‘Have we got an issue here? Are your people bearing up to the strain? Are they going over too often with too short tour intervals? Do you want me to try to find some other way of reinforcing you, like doing something which the bureaucracy sometimes

⁸³ Report Loudon, 12 October 2004, ‘Review of Service Police Investigations on Operations’.

calls ‘novel and contentious’, which was to get civilian police to sort of come along and help?’

“The answer was always, ‘We are a bit stretched, but we are fine’. My people and I just took that at, not exactly face value, but kept our eyes on it and at no stage did we ever have to do anything that was ‘novel and contentious’.”⁸⁴

The deaths of six RMP Personnel at Majarr al Kabir

On 24 June 2003, six RMP Personnel – Sergeant Simon Hamilton-Jewell, Corporal Russell Aston, Corporal Paul Long, Corporal Simon Miller, Lance Corporal Benjamin Hyde, and Lance Corporal Thomas Keys – were killed at Majarr al Kabir in Iraq.

Mr Hoon informed the House of Commons on 17 November 2004 that a BOI into that incident had now completed its work.⁸⁵ Because of the “wider parliamentary and public interest”, the MOD had taken the unusual step of providing a summary of the BOI’s findings to Parliament and to the media. The families of those who died would be briefed by the President of the BOI, and would subsequently meet Mr Hoon to discuss the BOI’s findings and any concerns they might have.

Continued criminal investigation prevented the BOI from considering the events that were the direct cause of the six deaths, but Mr Hoon informed the House:

“The Board found that the incident at Al Majarr Al Kabir was a surprise attack, which could not reasonably have been predicted. The Board also found that a number of factors may potentially have had a bearing on the deaths of the six soldiers, including issues relating to ammunition, communications and command relationships within the battle group to which the Royal Military Police platoon was attached. The Board was not, however, able to state that any of these factors, either in isolation or in combination directly determined the six soldiers’ fate.”

Mr Hoon went on to acknowledge:

“I am aware that some of the families have been critical of the Army’s response to the deaths of the six soldiers. I hope they recognise the Board’s work for the thorough and detailed review that it is. I hope, too, that they now have a much better understanding of the events leading up to the death of their loved ones and the wider context in which the events occurred, and can take some comfort from this.”

The RMP suffered 12 fatalities during the course of Op TELIC, including the six fatalities at Majarr al Kabir.⁸⁶

136. An April 2005 review of the MOD’s future requirements for Service Policing recorded that “The recommendations of the [2004] review have largely been implemented”.⁸⁷

⁸⁴ Public hearing, 21 July 2010, pages 19-20.

⁸⁵ House of Commons, *Official Report*, 17 November 2004, columns 90-91WS.

⁸⁶ GOV.UK, 12 December 2012, *British Fatalities: Operations in Iraq*.

⁸⁷ Minute Rooks to VCDS, 29 April 2005, ‘Review of the Department’s Requirements for Service Policing’.

137. The 2005 review stated that, in relation to investigations on operations, “delay is still an issue”. Delays were generally due to “overstretch and practical inhibitors”, such as the need for force protection, rather than any specific failings on the part of the Service Police.

138. The review also stated that the “primary RMP output” in Iraq was now providing support for the reform of Iraq’s security forces.

139. The review recorded that work on the future structure of the Army had resulted in an uplift of nearly 10 percent in the baseline figure for RMP manpower.

Changes to MOD processes

140. AM Pocock wrote to Mr Des Browne, the Defence Secretary, on 17 August 2006 proposing that the timeline for conducting BOIs should be increased from 14 to 27 weeks.⁸⁸ The MOD was operating at “maximum efficiency, within resources” but, for the Army in particular, experience since the current timeline was introduced in June 2004 had shown that it was “not achievable”. No Army BOI had met the current 14-week timeline. The Royal Navy and RAF did not have a problem with the current timeline but “saw merit” in extending it.

141. AM Pocock summarised the problems in meeting the current timelines:

- It was not possible to produce a Convening Order and Terms of Reference (TORs) for a BOI within 48 hours (as the current timeline required). TORs were often dependent on Service Police or LAIT reports, which could take “several months” to produce.
- It was not possible to “staff” a BOI report (secure comments from advisers and senior officers) within six weeks.

142. AM Pocock advised that underlying those problems was a resource issue. The Army was currently required to convene up to 20 BOIs a month (compared with one or two for the Royal Navy and RAF). It took time to identify and nominate suitable experienced and available Presidents, to confirm the Terms of Reference, and for officers to consider a BOI report.

143. AM Pocock closed his advice:

“Delays in completing BOIs have been linked in the media to delays in Coroners’ inquests. Some families ... have also been critical of the time it takes to complete BOIs. It is, however, unlikely that extending the BOI timeline will attract significant media coverage.”

144. In an annex to his minute, AM Pocock analysed the reasons for delays in completing BOIs. It concluded that progress had been made since 2004 but that,

⁸⁸ Minute DCDS(Pers) to PS/SofS [MOD], 17 August 2006, ‘BOI Timelines – A Proposal for Extension’.

against a background of an increasing number of incidents, “the rate of closure has now remained more or less constant since January 2005”.

Creation of the Army Inquest Cell

145. In February 2007, in response to Ministerial concerns over the MOD’s support for the inquests into the deaths of Sergeant Steven Roberts and Lance Corporal of Horse Matthew “Matty” Hull, the Army established a small Army Inquest Cell with a remit to, “through more effective handling of documents and stakeholders ... provide a better co-ordinated service to the Department [MOD], the coroner, and to the bereaved families”.⁸⁹ Mr Ingram was advised that the Army’s existing arrangements had been unable to manage the volume of work associated with inquests.

146. An MOD official advised Mr Ingram in March that good progress was being made in clearing the “backlog” of Army BOIs.⁹⁰ The Army Inquest Cell had “now assumed the role of managing of the Inquest process”, allowing the Army Inquiries and Aftercare Support Cell (AIASC) to revert to its primary role of supporting bereaved families.

147. In June, Mr Ingram informed the House of Commons that the Army was planning to appoint permanent Presidents for BOIs, in order to deliver a more consistent approach and avoid delays.⁹¹

148. In January 2008, Mr Giles Ahern, MOD Deputy Director Personnel with responsibility for the Army Inquest Cell, advised General Sir Richard Dannatt, Chief of the General Staff, that the team had made “significant progress” in reducing the time taken to hold an inquest.⁹²

149. Mr Ahern advised that, despite this progress, Ministers remained “very concerned” about the MOD’s performance. The Army Inquest Cell was focusing on:

- The provision of information to families. In the past, families had received little formal information before the inquest about how their relative had died. AIASC now provided a “Record of Events” based on SIB findings, but that might only reach the family just before the inquest. The Cell was developing an “Initial Account” containing “some basic information”, which could be passed to families about one month after a death.
- Timely completion of SIB and BOI reports. In a number of cases, completion of SIB and BOI reports was “judged to have taken longer than necessary”. The Cell was trying to “expedite” completion and sign-off of reports by the chain of command.

⁸⁹ Minute Pitt-Brooke to PS/Minister(AF) [MOD], 26 February 2007, ‘Support to Inquests – Project AJAX’; Minute Ahern to MA1/CGS, 15 January 2008, ‘Project AJAX – An Update on the Army Inquest Cell’.

⁹⁰ Minute Pitt-Brooke to PS/Minister(AF) [MOD], 30 March 2007, ‘Support to Inquests – Project AJAX’.

⁹¹ House of Commons, *Official Report*, 7 June 2007, column 28WS.

⁹² Minute Ahern to MA1/CGS, 15 January 2008, ‘Project AJAX – An Update on the Army Inquest Cell’.

- Ensuring that witnesses were properly prepared for inquests, by briefing them on their purpose and format.
- Handling of classified material. Recent lapses had resulted in the unauthorised release of classified US material; this had undermined Ministers' confidence in the MOD's management of inquests. A review was under way on whether the Services' support for inquests should be centralised, possibly using the model provided by the Cell.

Reducing the number of redactions in BOI reports released to families

150. The MOD released redacted versions of BOI reports to the next of kin and coroners. The version released to the next of kin was redacted to remove personal information relating to third parties, and security and operationally sensitive information. The version released to the coroner was redacted to remove certain security and operationally sensitive information only, with a request that the report was not introduced into court.⁹³

151. The inclusion of the names of third parties in the version of the BOI released to the coroner allowed the coroner to identify potential witnesses for the inquest.

152. In November 2006, Ms Selena Lynch, Deputy Assistant Coroner for Oxfordshire, directed the MOD to provide a "full set of papers" to a bereaved family's legal team and indicated that she might consider a legal challenge if the MOD did not comply.⁹⁴

153. Mr Chris Baker, MOD Director General Service Personnel, advised Mr Ingram on 22 January 2007:

"It is evident that the manner in which some of the BOI reports have been redacted, by blocking out the names and text ... renders them unintelligible. Families and their respective Counsel claim that because they are unable to follow the narrative of the BOI it is difficult to consider whether to request the coroner to invite additional witnesses."

154. Mr Baker stated that the MOD's position was that the redaction of the names of third parties was necessary "to comply with both our responsibilities in accordance with the Data Protection Act 1998, and in common law, as an employer to protect the identity of current and former employees".

155. Mr Baker concluded that to meet the concerns of families and the coroner, the MOD would replace the names of third parties with unique identifiers (such as Person AA and Officer BB), which would enable families to follow the narrative of the BOI report more easily while still protecting individual identities.

⁹³ Paper [MOD], 17 December 2004, 'BOI Reports – Disclosure Policy'.

⁹⁴ Minute Baker to PS/Minister(AF) [MOD], 22 January 2007, 'Board of Inquiry Reports – Disclosure for the Purposes of an Inquest'.

156. The MOD issued revised instructions for the disclosure of BOI reports in May.⁹⁵ The instructions advised that following the full implementation of the FOI Act on 1 January 2005, the current policy (of limited release of BOI reports outside the MOD) was no longer sustainable; the underlying principle of the FOI Act was that information should be available to members of the public on request unless it had an absolute exemption or there was an overriding public interest in withholding it.

157. The way in which BOIs were conducted would not change, but the reports should now be prepared in two parts:

- Part 1, which would be generally known as the “BOI Report”, should include the convening order, terms of reference, findings, recommendations, and comments from senior officers. It should be carefully structured to ensure that it contained no exempt material or, if that was not possible, suitably redacted.
- Part 2 would include all other supporting documentation including witness statements and police and investigative reports.

158. There would also be a separate master “Schedule of Proceedings”, listing everything that constituted the full BOI Report.

159. Part 1 of the full BOI Report would be proactively published by the MOD under their Publication Scheme. Requests for further information would be considered under the FOI Act in the normal way. Applicants could be provided with the Schedule of Proceedings to help them refine their request.

160. Next of kin should, in the first instance, be given only Part 1 of a BOI Report. Requests for information from Part 2 would be treated in the same way as other FOI requests (although it would normally be inappropriate to redact non-sensitive personal information about the family member). The instructions stated:

“Although this may be seen as restricting what is given to next of kin, it should be borne in mind that Part 1 ... will be a synthesis of all the relevant information presented to the Board. Although the next of kin should always be treated in a sympathetic and helpful manner, the provisions of the FOI Act and DPA98 and other relevant legislation and common law must be observed.”

161. Coroners would “continue to be provided with the full unredacted copy of the report (Parts 1 and 2)”, on the understanding that the report contained only information owned by the UK and was not quoted from or admitted into evidence without further reference to the MOD.

162. The instructions directed that where names were redacted, they should be replaced by a unique identifier.

⁹⁵ Defence Instructions and Notices, May 2007, ‘Disclosure of Board of Inquiry Reports, 2007DIN02-15’.

163. In early November, Ms Lynch issued her ruling on the death of Fusilier Gordon Gentle.⁹⁶ She concluded that it was probable that the roadside bomb that killed him would not have detonated if a disabling device had been fitted to the vehicle in which he was travelling.

164. The press reported that Ms Lynch had described the MOD's policies for the disclosure of evidence to the inquest as "illogical and based on errors of law",⁹⁷ and that she had stated that the inquest had been delayed by the MOD's failure to provide documents and their policy of redacting names from the documents that were provided.⁹⁸

165. Sir Bill Jeffrey advised Mr Ainsworth in February 2008, in the context of a paper on how to improve the BOI system, that while the MOD continued to face criticism over the redaction of BOI reports, "we have gone as far as practicable within the law".⁹⁹

166. An MOD/Ministry of Justice (MOJ) information booklet for bereaved families on the BOI and inquest processes, which was issued in 2008, stated that "where names are removed, each will be replaced with a term like Person A, Person B to help you follow the sequence of events in the report".¹⁰⁰

167. A number of the BOI reports seen by the Inquiry have followed this practice.

Creation of the Defence Inquests Unit

168. In early February 2007, the MOD sought and received an adjournment to the inquest into the death of Lance Corporal of Horse Matthew "Matty" Hull, who had been killed in a friendly-fire incident with US forces in 2003, to allow them more time to secure US agreement to the use in court of a US cockpit recording of the incident.¹⁰¹

169. The adjournment came as the UK was negotiating with the US Government on US participation in inquests into the deaths of UK Service Personnel. Those negotiations are described later in this Section.

170. Mr Baker wrote to MOD officials on 19 February advising that, in the light of the inquest into the death of L Cpl Hull, MOD Ministers might wish to have a "further urgent examination" of the BOI process, possibly including "a fundamental review as to whether [BOIs] can be considered fit for purpose given the wider uses to which they are increasingly put".¹⁰² Mr Baker asked recipients to provide "positive points ... in support of the BOI system as it currently stands" and information on planned improvements.

⁹⁶ *BBC News*, 7 November 2007, *Army supply 'chaos' proved fatal*.

⁹⁷ *BBC News*, 7 November 2007, *Army supply 'chaos' proved fatal*.

⁹⁸ *Daily Telegraph*, 7 November 2007, *Army failings led to death of Gordon Gentle*.

⁹⁹ Minute Jeffrey to Minister(AF) [MOD], 29 February 2008, 'Boards of Inquiry and Inquests'.

¹⁰⁰ Ministry of Defence & Ministry of Justice, *Boards of Inquiry and Coroners' Inquests: information for bereaved families*, 2008.

¹⁰¹ Minute Ferguson to APS/Min(AF) [MOD], 2 February 2007, 'Oxfordshire Inquests: Release of US Classified Information'.

¹⁰² Minute Baker to DG Sec LF, 19 February 2007, 'Boards of Inquiry'.

171. Mr Ingram subsequently met Mr Baker and other MOD officials to discuss work already in hand to improve the BOI process.¹⁰³ Mr Ingram's Private Secretary recorded that Mr Ingram:

“... postulated that there might be a need to consider a more radical approach; that rather than working to make the current system work better, we might need to consider adopting a different system.”

172. Mr Baker said that he had already discussed the possibility of a more radical approach with the Services, and concluded that “there was no realistic alternative to the BOI process”. The MOD needed a thorough process of examination in order to learn lessons, and needed to be able to ensure that it could be undertaken quickly and address all the relevant issues. Mr Baker advised that the arguments for continuing with the BOI process would be set out in a submission.

173. An MOD official working in Mr Baker's Directorate sent Mr Ingram's Private Office advice on the “rationale for continuing with the BOI process” on 2 March.¹⁰⁴

174. The official identified three alternative mechanisms for establishing the facts surrounding an incident – Learning Accounts, Service Police investigations, and inquests – and concluded that none of them met the MOD's requirements.

175. The official concluded that the current BOI system played a “valuable role” in “establishing the full details of the circumstances surrounding an incident and in learning the lessons to prevent a recurrence”. Particular advantages were:

- BOIs enabled the MOD to fulfil its duty of care and health and safety obligations towards its employees.
- Investigations into sensitive matters could be carried out “within the Service environment and by the relevant subject matter experts”.
- As BOIs did not seek to apportion blame, and evidence given to a BOI could not be used in a Service court, witnesses might be more candid than in another type of investigation.
- BOIs were “tried and tested and worked well”.

The official also described the work under way to improve the BOI process.

176. The BOI report into the loss of Nimrod XV230 in September 2006 (in Afghanistan) was published on 4 December 2007. Mr Browne told the House of Commons on the same day:

“By its nature, the Board was not in a position to go into the history of those arrangements [for assessing the airworthiness of Nimrod aircraft] or to assess where responsibility lies for failures ... Flying will never be risk-free. But I do believe

¹⁰³ Minute Johnson to DG SP Pol, 22 February 2007, ‘Boards of Inquiry’.

¹⁰⁴ MOD [junior official] to PS/Minister(AF) [MOD], 2 March 2007, ‘Boards of Inquiry (BOIs)’.

that the families of those who died are due more of an explanation of the history than the Board of Inquiry could be expected to provide. I have therefore decided to put in place a review of the arrangements for assuring the airworthiness and safe operation of the Nimrod aircraft over its service life; to assess where responsibility lies for any failures; to assess more broadly the process for compiling safety cases, taking account of best practice in the civilian and military world; and to make recommendations.”¹⁰⁵

177. Mr Browne discussed the BOI into the loss of Nimrod XV230 with MOD Ministerial colleagues the following day.¹⁰⁶ He said that the MOD would shortly announce the name of the Queen’s Counsel who would lead the independent review. It would be important for the families to be able to feed their questions into that process.

178. During the meeting, MOD Ministers concluded that the Nimrod BOI was “a further example of the [BOI] process not necessarily being suited to the requirements of the MOD, the individuals and families involved and, crucially, public expectation”. Mr Browne suggested that there might be merit in a new process comprising:

“... a short, focused Learning Account style review ... conducted in a matter of a few months followed, as required, by a further review to look beyond the immediate circumstances and which was empowered to engage with individuals and the families affected by the incident, had an independent element and could draw from the advice of those who were well-practiced in preparing for evidence-based reviews”.

179. Mr Browne’s Private Secretary asked Mr Bill Jeffrey, the MOD’s Permanent Under Secretary,¹⁰⁷ to provide “advice on the scope and options for improving the BOI process” by the end of January.

180. Mr Browne’s Private Office wrote to Mr Ainsworth’s Private Office later that week, reporting Mr Browne’s concern that recent good progress in clearing the backlog of inquests would not be sustained as the military investigation/BOI process was moving too slowly.¹⁰⁸ Particular concerns included:

- The significant number of cases (13) over six months that were still awaiting completion of a BOI or RMP investigation, or even a decision on whether a BOI was required. In one case, a decision on whether to hold a BOI was still awaited nearly one year after the incident.
- The number of cases where the Swindon and Wiltshire Coroner was awaiting SIB reports.

¹⁰⁵ House of Commons, *Official Report*, 4 December 2007, column 687.

¹⁰⁶ Minute Forber to PS/Minister(AF) [MOD], 5 December 2007, ‘Defence Ministerial Meetings’.

¹⁰⁷ Mr Jeffrey was knighted in the 2008 New Year’s Honours.

¹⁰⁸ Minute APS/Secretary of State [MOD] to PS/Minister(AF) [MOD], 7 December 2007, ‘BOI and Inquest Backlog’.

181. Mr Browne asked Mr Ainsworth to look into the backlog of incomplete BOIs and “investigate what further action should be taken to speed up this process, including whether additional staff resource is needed in theatre”.

182. On 28 February, Mr Ainsworth and Ms Bridget Prentice (Parliamentary Under-Secretary of State for the Ministry of Justice), met Mr Andrew Walker (Assistant Deputy Coroner for Oxfordshire) and Mr David Masters (Coroner for Wiltshire & Swindon), at Mr Ainsworth’s request, to discuss what could be done to accelerate the inquest process.¹⁰⁹

183. Ms Prentice’s Assistant Private Secretary recorded that Mr Walker had welcomed the new Army Inquest Cell, which had had “a profound effect” on the conduct of inquests into the deaths of Army Personnel. Working with the Cell, he had trialed a number of proposals to improve and streamline the inquest process.

184. Mr Walker described how that new partnership had worked in a recent inquest:

“Despite the fact that there was extremely sensitive intelligence involved, the inquest was completed within 12 months from the date of the incident. The key difference was that he [Mr Walker] had been in contact with the Board of Inquiry (BOI) team from the beginning of their investigation and was kept informed throughout, enabling him sufficient time to build up the technical knowledge required to adequately conduct the inquest. Crucially, this early involvement avoided the complicated ‘cold’ handover from the BOI to the inquest.”

185. Both coroners felt that the new arrangement enabled them to update families more effectively on progress and to respond to their needs.

186. Both coroners contrasted that positive experience, with their experiences with the Royal Navy and RAF. In one case, they said that they had had to wait four months “for a signature on a piece of paper”. In four cases, it was alleged to have taken over a year to reach a decision on whether or not to hold a BOI. The coroners felt that the establishment of a tri-Service Inquest Cell based on the Army model would be a “very positive step”.

187. The MOD team confirmed that the idea of a tri-Service Inquest Cell was being considered, and highlighted the greater complexity often associated with Royal Navy and RAF BOIs.

188. Mr Ainsworth told the Inquiry that he had considered the end-to-end process of investigating fatalities and had taken the unusual step of meeting both Mr Walker and Mr Masters to discuss ways in which the MOD could help.¹¹⁰ He recalled some anxiety that a meeting might be seen as interfering with the coroners’ independence, but he

¹⁰⁹ Minute Spence to Rothapel, 28 February 2008, ‘Bridget Prentice MP Meeting with Bob Ainsworth MP and the Coroners for Oxford and Swindon & Wiltshire on 21 February’.

¹¹⁰ Public hearing, 6 July 2010, page 30.

believed that it was possible both to respect that independence and to seek to understand “how the system is working for them from their point of view”.

189. Sir Bill Jeffrey responded to the requests for advice on how the BOI process could be improved and how the existing process could be accelerated in a minute to Mr Ainsworth at the end of February 2008.¹¹¹

190. Sir Bill advised that, in response to Mr Browne’s question, it would be possible to hold a relatively short fact-finding exercise followed by a “fuller inquiry into the whole course of events”. While the Nimrod XV230 BOI included a careful investigation of the incident itself, its remit did not extend into the history and safety record of the Nimrod; that question was now being examined by Mr Charles Haddon-Cave. Where there was “a need to capture the broader departmental perspective, and where there is high public interest in the case”, the remit of the BOI could be broadened or a “further reaching independent inquiry”, running concurrently with the BOI, could be held.

191. Sir Bill also advised that:

- A new direction should be issued to the chain of command, that families should always be briefed as soon as practicable after an incident and kept regularly informed thereafter.
- A new joint Secretariat should be established, building on the Army’s Inquest Cell, to co-ordinate all three Services’ management of inquests, the relationship with coroners and joint reports to Ministers.

192. The Army had appointed Permanent Presidents to lead high-profile Army BOIs; the Royal Navy and Royal Air Force were taking steps to establish “pools of expertise” from which Presidents could be selected.

193. There were currently 100 open inquests. That was “below last summer’s peak of 132, but still well above the backlog of 80 inquests that was judged to be unacceptable in Spring 2006”. The use of pre-inquest hearings, while a valuable contribution to the inquest process, could introduce delays into the process. Coroners often waited for access to the MOD’s reports, including BOI reports, before undertaking an inquest. Sir Bill commented: “We must show coroners that we treat our investigations as matters of urgency so that we might expect them to do the same.”

194. On 9 April, Mr Ainsworth met senior officials and military officers to discuss Sir Bill’s advice.¹¹² Mr Ainsworth stated that he and Mr Browne remained of the view that there needed to be a “step change in the way in which the BOI and inquest process was handled, end-to-end”. He had already discussed the advice with Sir Bill, and agreed that

¹¹¹ Minute Jeffrey to Minister(AF) [MOD], 29 February 2008, ‘Boards of Inquiry and Inquests’.

¹¹² Minute PS/Min(AF) [MOD] to APS/Secretary of State [MOD], 11 April 2008, ‘Boards of inquiry and Inquests’.

it formed “a good basis for further discussion”. The key proposal was the establishment of a “single inquest cell”.

195. The meeting agreed that a single inquest cell should be established as a matter of urgency. Key responsibilities would be to:

- professionally manage the MOD’s relationship with coroners;
- chase progress on BOIs in order to “drive down” the time between incident and inquest; it would need sufficient “authority and clout” to do that;
- identify weaknesses in policy and ensure they were addressed, and ensure that existing policy and best practice was adhered to; the lead for developing policy would often sit outside the cell; and
- ensure the right training and guidance was provided to VOs.

196. The cell would not carry out BOIs (which would continue to be the responsibility for the Services).

197. Mr Ainsworth’s Private Secretary recorded that, although the other proposals made by Sir Bill had not been discussed in any detail at the meeting, Mr Ainsworth would like them “taken forward in the context of the establishment of the new cell”.

198. The Defence Inquests Unit (DIU) was created in May 2008 to act as the focal point for all coroners’ inquests into the deaths of Service and MOD civilian personnel.¹¹³

199. The Army Inquest Cell was disbanded on the creation of the DIU, and its posts moved into the DIU.¹¹⁴

200. Mr Ainsworth told the Inquiry that the role of the DIU was not just to ensure that the MOD was providing the support that coroners required:

“... my motives were more than just helping the bereaved, they were about the MOD getting better at learning some of the lessons that flowed from inquests ... some of our systems were, from time to time, exposed pretty badly by coroners’ inquests and, you know, they were a mine of information ... if you were prepared to really embrace the findings ...”¹¹⁵

201. Mr Mike Venables, Head of the DIU from 2009 to 2012, described the DIU’s role as supporting bereaved families by making sure that coroners had everything they needed.¹¹⁶ This included:

- providing all relevant reports and information, and explaining that material where necessary;

¹¹³ Defence Instructions and Notices 2008DIN05-052, December 2008, ‘The Defence Inquests Unit’.

¹¹⁴ Minute D/VCDS to Min(AF) [MOD], 24 April 2008, ‘Inquests Cell: Terms of Reference’.

¹¹⁵ Public hearing, 6 July 2010, pages 30-31.

¹¹⁶ GOV.UK, 23 February 2012, *Defence Inquests Unit: helping to find the answers*.

- helping to identify and locate military witnesses;
- organising familiarisation events on military equipment for coroners; and
- providing support to witnesses.

202. Mr Venables also indicated that the creation of the DIU served to change the MOD's policy on legal representation at inquests. The MOD had tended to be legally represented at inquests:

“But we took the view that some families see that as intimidating. It looked as though the big bad Ministry had turned up, so now, even if the families choose to have a barrister, we tend not to, we ... send a case officer.”

Introduction of Service Inquiries

203. Section 343 of the Armed Forces Act 2006 (AFA 2006), which came into force on 1 October 2008, provided for the establishment of a single form of statutory inquiry – the Service Inquiry (SI) – for all the Services.¹¹⁷

204. The Royal Navy, Army and RAF had previously held inquiries under the Prerogative, Army Act 1955 and Air Force Act 1955 respectively.

205. The MOD told the Inquiry that the AFA 2006 represented the first complete overhaul of the Service justice system in 50 years, harmonising practices and procedures across the Services to provide a single system of Service law.

206. The MOD also told the Inquiry that SIs had the same purpose as BOIs (subject to its terms of reference, to establish the facts of a particular matter and make recommendations to prevent recurrence).

Efforts to reduce the backlog of inquests, 2005 to 2007

Support for the Oxfordshire Coroner

207. From March 2003 to 1 April 2007, military fatalities on Op TELIC were repatriated to RAF Brize Norton in Oxfordshire.

208. In early 2005, Mr Gardiner applied to the Oxfordshire County Council, then to the Home Office, and finally to the MOD for additional funding to enable him to carry out his duties.¹¹⁸

209. In May 2005, the MOD convened a series of meetings with officials from the Home Office and the Department for Constitutional Affairs (DCA)¹¹⁹ to consider how to resolve

¹¹⁷ Paper MOD, 2011, 'Service Inquiries and Investigations'.

¹¹⁸ Paper MOD, May 2006, 'Coronial Issues'.

¹¹⁹ The DCA took over responsibility for coronial policy from the Home Office in May 2005.

the immediate problem and “explore alternative arrangements to ensure that the issue does not reoccur”.

210. On 24 May, the Home Office provided £80,000 to allow Mr Gardiner’s office to recruit an additional Coroner’s Officer to help manage inquests into the deaths of Service Personnel in Iraq.¹²⁰

211. Mr Don Touhig, Parliamentary Under Secretary of State for Defence, told the House of Commons in early June 2005 that the decision to provide support to Mr Gardiner’s office predated recent press reports on delays in holding inquests into the deaths of Service Personnel.¹²¹

212. A June 2007 DCA briefing assessed that that support had “little effect” on the backlog.¹²² The main constraint was the time that Mr Gardiner himself was able to devote to considering case papers in preparation for inquests.

213. On 6 February 2006, Ms Harriet Harman, Minister of State for the DCA, informed the House of Commons that she intended to bring forward legislation to reform the coroner service:

“Under the current coroner service, families frequently get overlooked during the inquest process ... The system is fragmented, with no national leadership, and it is not accountable ... Standards are not uniformly good; everything rests too much on the personal qualities and abilities of individuals within the system. The legal framework is downright archaic. For most coroners, this is not even their principal occupation; it is a secondary one, added on to their main work as solicitors in private practice ...

“The coroner service must serve the public interest and meet bereaved families’ concerns in a way that, frankly, it currently does not ...”¹²³

214. In May 2006, in response to renewed Parliamentary concern over delays in holding inquests into the deaths of Service Personnel, Ms Harman was charged with “dealing with the problem”.¹²⁴

215. On 22 May, Ms Harman wrote to Mr Browne suggesting that they meet to discuss how to clear the backlog of inquests in Oxfordshire.¹²⁵ It was important that all coroners conducted inquests in good time; she was particularly concerned that the families of Service Personnel should not face a long wait before an inquest was concluded.

¹²⁰ Paper MOD, May 2006, ‘Coronial Issues’.

¹²¹ House of Commons, *Official Report*, 6 June 2005, column 982.

¹²² DCA [junior official] to Harman, 12 June 2007, ‘Request from Wiltshire and Swindon Coroner for Additional Resources to Deal with Military Fatalities Repatriated via RAF Lyneham’.

¹²³ House of Commons, *Official Report*, 6 February 2006, column 607.

¹²⁴ DCA [junior official] to Harman, 17 May 2006, ‘Oxfordshire Coroner and Inquests into Iraq Fatalities’.

¹²⁵ Letter Harman to Browne, 22 May 2006, ‘Oxfordshire Coroner and Iraq Deaths Inquests’.

216. Ms Harman wrote:

- The DCA had been endeavouring to get a full picture of the extent of the delays, working with MOD officials and Mr Gardiner's Office, and had compiled a grid showing the number of inquests yet to be undertaken. That analysis indicated that there were 39 military deaths and 5 civilian deaths relating to Iraq in the "inquest queue", excluding cases where Mr Gardiner was waiting for evidential material from the MOD.
- The first military deaths in that queue related to the loss of a Sea King helicopter on 22 March 2003.¹²⁶ The first deaths on which Mr Gardiner had not yet received material from the MOD related to the loss of a CH46 helicopter on 21 March 2003.
- Mr Gardiner estimated that to clear the backlog, he would need an additional Assistant Deputy Coroner and continued funding for the additional Coroner's Officer, at a cost of £125,000 a year for two years. DCA officials had not yet assessed whether that estimate was realistic. The DCA was "poorly placed" to provide that funding. If those resources could not be found, the current position that most inquests were held in Oxfordshire (rather than in the home area of the deceased) would need to be reconsidered.

217. Ms Harman, Mr Browne and Mr Ingram met on 24 May.¹²⁷ Ms Harman advised that further work by DCA officials suggested that £250,000 would be required over six months in order to list or complete all cases by the end of the year.

218. A record of the meeting by Mr Browne's Assistant Private Secretary, which was circulated only within the MOD, reported that Mr Browne had agreed that if there was a "practical plan" to reduce the backlog and there was no possibility of securing funding from the Reserve, then he was "prepared in principle to put in £125,000 for the first year".

219. An informal record of the meeting by a DCA official reported that Mr Browne had agreed to provide £125,000, and to hold a further £125,000 "in reserve" which could be made available depending on progress.¹²⁸

220. In a Written Ministerial Statement to the House of Commons on 5 June, Ms Harman and Mr Browne set out the support that the Government would provide to the Oxfordshire Coroner's office to enable it to deal with "outstanding inquests":

- three Assistant Deputy Coroners (Sir Richard Curtis, Ms Selena Lynch and Mr Andrew Walker);

¹²⁶ The (Royal Navy) BOI into the loss of a Sea King helicopter on 22 March 2003 had reported on 1 May 2003 (it was the first BOI relating to Op TELIC to report); the BOI report had been made available to families on 9 June 2003.

¹²⁷ Minute APS/SoS [MOD] to SPPol SC-D, 24 May 2006, 'Iraq Inquest Backlog – Oxford Coroner – Meeting with Harriet Harman MP'.

¹²⁸ Email Woolfenden to Sadler, 24 May 2006, 'Iraq Deaths'.

- two additional Coroner's Officers;
- an additional member of support staff; and
- recording equipment which would enable two extra courts to operate simultaneously.¹²⁹

221. There were currently 59 inquests into the deaths of Service Personnel killed in Iraq and 11 inquests into the deaths of civilians to be concluded. Mr Gardiner expected, with this additional support, to be able to conclude inquests into the deaths of 30 Service Personnel where the MOD had completed their own inquiries and case papers had been prepared, and conclude inquests into the deaths of three civilians where he had been provided with reports and other information, by the end of the year.

222. Ms Harman and Mr Browne undertook to report quarterly to Parliament on progress in clearing the backlog of outstanding inquests.

223. As the Statement was being drafted, Ms Harman expressed her strong view that it should be sent to the families of deceased Service Personnel before it was laid in Parliament.¹³⁰

224. DCA officials advised that they were "not convinced" by that proposal, and that it was in any case impractical as the MOD was "not prepared" to supply family contact details.¹³¹

225. Ms Harman and Mr Browne agreed on 1 June that the Statement should be sent to families before it was laid in Parliament.¹³²

226. Two of the three Assistant Deputy Coroners were appointed in early June, the third in early August.¹³³

227. The effectiveness of the additional support provided to the Oxfordshire Coroner's office in clearing the outstanding inquests is considered below.

228. In July, as the capacity of the Oxfordshire Coroner's office was being increased, the MOD extended the target timelines for the completion of BOIs; that decision is described earlier in this Section.

229. By the end of July, it had become clear that the MOD and DCA did not have a shared understanding of how much, and at what point, the MOD would contribute to the cost of the additional support provided to the Oxfordshire Coroner's office.

¹²⁹ House of Commons, *Official Report*, 5 June 2006, column 4WS.

¹³⁰ Email Tierney to Woolfenden, Patterson & Bainbridge, 1 June 2006, 'Writing to the Families'.

¹³¹ Minute Bainbridge to Harman, 31 May 2006, 'Oxon Coroner'.

¹³² Email Tierney to Anderson, 1 June 2006, 'Note of Telephone Call between Harriet Harman and Des Browne – Iraq/Coroner'.

¹³³ Minute DCA [junior official] to Harman, 6 October 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

The discussions between the DCA, the MOD, and the Treasury from July 2006 to February 2007 on that issue are described below.

230. The DCA bore the costs that were being incurred by the Oxfordshire Coroner's office while those discussions continued.¹³⁴

DISCUSSIONS ON FUNDING

231. On 22 May 2006, Mr Alex Allan, Permanent Secretary at the DCA, and Mr Ian Andrews, 2nd Permanent Under Secretary at the MOD, discussed how the additional funding required by the Oxfordshire Coroner might be found.¹³⁵ Mr Allan's Assistant Private Secretary reported that Mr Allan had stated that neither the local authority nor the DCA could provide that additional funding. Mr Andrews said that the Treasury met the MOD's "operational costs", and indicated that the funding for the Oxfordshire Coroner should be included within that arrangement.¹³⁶ That would be for the MOD to explore with the Treasury.

232. On 20 July, Ms Harman sent Mr Browne an update on progress on clearing the backlog of inquests, and concluded that she "hoped that we can clarify the amount of money you will pay".¹³⁷

233. On the same day, Ms Harman wrote to Lord Falconer of Thoroton, the Secretary of State for Constitutional Affairs and Lord Chancellor, asking if he would speak to Mr Browne to ensure that Mr Browne's decision to provide £250,000 would be communicated to MOD finance officials.¹³⁸

234. Mr Browne replied to Ms Harman on 14 August stating that, as he had previously indicated, given that the inquests were a result of operational commitments, his preference would be for the additional funding to be sought through a call against the Reserve.¹³⁹ He stood ready to support a request to the Treasury. If funding could not be secured from the Reserve, he was "in principle willing to provide a contribution of £125,000 for the first year towards the financial costs of the additional resources, subject to Accounting Officer and Treasury approval".

235. Lord Falconer wrote to Mr Browne later that month, stating that £125,000 was insufficient to cover the costs involved and that, while DCA officials would look at the suggestion of making a bid on the Reserve, "given that the backlog is driven by the

¹³⁴ Letter Harman to Browne, 28 December 2006, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.

¹³⁵ Email DCA [junior official] to DCA [junior official], 22 May 2006, 'Coroners – Inquest Delays/MOD'.

¹³⁶ The established arrangements whereby the MOD claimed the Net Additional Costs of Military Operations (NACMO) from the Treasury are described in Section 13.

¹³⁷ Letter Harman to Browne, 20 July 2006, 'Iraq Inquests Backlog'.

¹³⁸ Minute Harman to Falconer, 20 July 2006, 'Funding for Extra Resources for the Oxfordshire Coroner'.

¹³⁹ Letter Browne to Harman, 14 August 2006, 'Iraq Inquest Backlog'.

MOD's policy to repatriate Iraq fatalities to RAF Brize Norton in Oxfordshire" it would not be appropriate for the DCA to make that bid.¹⁴⁰

236. Mr Browne replied on 10 September, stating that while there was a strong case for funding the additional costs from the Reserve, the Treasury would expect the bid to come from the Department responsible for coronial policy.¹⁴¹

237. Lord Falconer replied on 6 October, advising that while the DCA held policy responsibility for coroners, operational responsibility rested with the relevant local authority.¹⁴² In this case, it would normally be for Oxfordshire County Council to meet the costs of the inquests. He continued:

"The Cabinet Office Ministerial Code of Conduct (paragraph 6.10) clearly sets out the principle that Departments responsible for initiating policy are required to take into account the effect their proposals have on other departments. It is MOD policy to repatriate bodies to RAF Brize Norton rather than Lyneham, Fairford or elsewhere and it is a direct result of this decision that the backlog of cases has occurred. If fatalities were shared amongst a number of coroners this problem would have been avoided.

"It is for this reason that I consider that it is your Department's responsibility to shoulder the costs arising from the Iraq inquest backlog ... If you are unable to fund the additional resources from your existing budget then it is for your Department, not mine, to approach the Treasury for a Reserve claim."

238. Officials from the MOD, the DCA and the Department for Communities and Local Government (DCLG) met on 8 November to discuss funding options.¹⁴³

239. A DCA official reported to DCA colleagues only that all three departments had difficulties in providing funding from within their existing budgets. The MOD had argued, for the first time, that it would be inappropriate for the MOD to be seen to be funding the inquest process when it had a clear interest in the cases involved. The meeting had agreed that DCA officials should approach the Treasury informally to see whether funding from the Reserve could be made available and, if not, whether they could suggest an alternative solution.

240. A DCA official advised Ms Harman on 13 December that the Treasury had "not replied positively" to that approach.¹⁴⁴ The DCA had subsequently written to the MOD, asking it to confirm that it would provide the necessary funding.

¹⁴⁰ Letter Falconer to Browne, 31 August 2006, 'Funding for Additional Resources for the Oxfordshire Coroner'.

¹⁴¹ Letter Browne to Falconer, 10 September 2006, [untitled].

¹⁴² Letter Falconer to Browne, 6 October 2006, 'Funding for Additional Resources for the Oxfordshire Coroner'.

¹⁴³ Email DCA [junior official] to Tierney, 10 November 2006, 'Oxfordshire Coroners: Progress Report'.

¹⁴⁴ Minute DCA [junior official] to Harman, 13 December 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

241. On 7 January 2007, Mr Lee McCauley, MOD Assistant Director of Defence Resources and Plans, wrote to a Treasury official to advise him that the MOD had “reluctantly concluded” that all additional costs related to the Oxfordshire Coroner should be “funded this year through Defence”.¹⁴⁵ There were several arguments against doing so, but Ministers wanted the issue to be resolved. Treasury approval would be required, as the MOD did not have authority to meet costs that fell to other parts of Government.

242. Mr McCauley proposed that the MOD treat the costs as part of the Net Additional Cost of Military Operations (NACMO), and claim them from the Treasury in the normal way. If that was not possible, the MOD would need to find the funds within its core settlement.

243. On 13 February 2007, Mr Browne wrote to Ms Harman:

“My officials have explored at length with the Treasury the possibility of making a claim against the Reserve. The Treasury have refused on the principle that such costs should lie where they fall and this is not a legitimate charge to Defence for the additional costs of operations. In light of this, I cannot accept an argument that the backlog stems solely from MOD policy: there are sound practical reasons for repatriation of bodies to RAF Brize Norton but there are also, as the current initiative¹⁴⁶ shows, ways in which the burden may be shared with other coroners.”¹⁴⁷

244. Mr Browne concluded by confirming that he held to his earlier offer to contribute £125,000 towards the additional costs of the Oxfordshire Coroner during 2006/07. That contribution should not be seen as setting a precedent for MOD funding to address “future inquest backlogs, should they arise”.

245. Ms Harman replied on 27 March, expressing her disappointment with that contribution but confirming that she would accept it.¹⁴⁸ She would expect the MOD to contribute if further backlogs emerged.

PROGRESS IN CLEARING THE BACKLOG OF INQUESTS

246. Ministers provided quarterly reports to the House of Commons on progress in clearing the backlog of inquests in Oxfordshire. The table below summarises these reports.

247. The first report, in June 2006, covered only outstanding inquests into deaths relating to Iraq.¹⁴⁹ Subsequent reports included outstanding inquests relating to previous conflicts and military exercises overseas, for which the Oxfordshire Coroner was responsible.

¹⁴⁵ Letter McCauley to Treasury [junior official], 11 January 2007, ‘Oxfordshire Coroner: Funding’.

¹⁴⁶ To allocate inquests directly to ‘home-town’ coroners, bypassing the Oxfordshire Coroner.

¹⁴⁷ Letter Browne to Harman, 13 February 2007, ‘Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System’.

¹⁴⁸ Letter Harman to Browne, 27 March 2007, ‘Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System’.

¹⁴⁹ House of Commons, *Official Report*, 5 June 2006, column 4WS.

248. Ms Harman informed the House of Commons on 12 October that Mr Gardiner would not be able to meet the target set in her June 2006 update for the completion of pre-June 2006 inquests (the end of 2006).¹⁵⁰

Table 2: Progress in clearing the backlog of inquests in Oxfordshire

	Outstanding inquests	<i>Of which Service Personnel</i>	<i>Of which civilian</i>	Outstanding inquests held since June 2006
5 June 2006 ¹⁵¹	70	59	11	0
12 October 2006 ¹⁵²	70	59	11	9
18 December 2006 ¹⁵³	57	48	9	28
29 March 2007 ¹⁵⁴	29	25	4	56
20 June 2007 ¹⁵⁵	15	11	4	72
30 October 2007 ¹⁵⁶	2	2	0	104

249. The June 2007 report stated that of the 72 inquests which had been completed by the Oxfordshire Coroner's Office since June 2006, Mr Gardiner had conducted five, Sir Richard Curtis six, Ms Selena Lynch 28, Mr Andrew Walker 32, and Ms Jennifer Leeming, the Greater Manchester West Coroner, one.¹⁵⁷

250. The additional resources provided by the Government in June 2006 enabled the Oxfordshire Coroner's office to clear the backlog of outstanding inquests (into deaths occurring before June 2006) by October 2007.

251. The two outstanding inquests reported in the October 2007 report related to the deaths of Fusilier Gordon Gentle on 28 June 2004 and Lieutenant Richard Palmer on 15 April 2006. The inquest into Fusilier Gentle's death was due to open on 29 October 2007. The coroner had decided to await the completion of the BOI into Lt Palmer's death before opening an inquest; that inquest would therefore not be held until 2008.

¹⁵⁰ House of Commons, *Official Report*, 12 October 2006, column 28WS.

¹⁵¹ House of Commons, *Official Report*, 5 June 2006, column 4WS.

¹⁵² House of Commons, *Official Report*, 12 October 2006, column 26WS. Nine inquests had been completed since the June 2006 WMS, but Mr Gardiner had advised the Government of nine additional outstanding cases relating to deaths from previous conflicts and overseas military exercises.

¹⁵³ House of Commons, *Official Report*, 18 December 2006, column 112WS.

¹⁵⁴ House of Commons, *Official Report*, 29 March 2007, column 120WS. The Statement corrected the number given in the 18 December 2006 Statement for Inquests held since October 2006, from 18 to 19.

¹⁵⁵ House of Commons, *Official Report*, 20 June 2007, column 97WS.

¹⁵⁶ House of Commons, *Official Report*, 30 October 2007, column 35WS.

¹⁵⁷ House of Commons, *Official Report*, 20 June 2007, column 97WS.

Efforts to transfer more inquests to local coroners

252. In early September 2006, after discussions with DCA officials, Mr Gardiner alerted coroners that the additional resources he had received from the Government were not intended to be “long term” and were only to reduce the current backlog of cases.¹⁵⁸ He was, therefore, likely to “increasingly be making transfer requests under Section 14(i) of the Coroners Act 1988”.

253. A DCA official advised Ms Harman on 6 October that Mr Gardiner’s office was now receiving a significant number of fatalities from Afghanistan, as well as from Iraq.¹⁵⁹ The additional resources announced on 5 June only covered inquests that were outstanding at that date. The DCA had “serious doubts” that Mr Gardiner’s office could handle the new (post-June 2006) cases, once the pre-June backlog was cleared and staffing levels returned to normal.

254. The official commented that it was not helpful that the MOD continued to repatriate bodies to RAF Brize Norton: DCA and MOD officials were meeting shortly to discuss that issue.

255. MOD and DCA officials met on 18 October to reconsider the policy of repatriating the bodies of deceased Service Personnel via RAF Brize Norton.¹⁶⁰ Points made in the discussion included:

- Mr Gardiner was “considering transferring cases to other jurisdictions, but in limited circumstances”. That was in line with established policy. Mr Gardiner would not be transferring cases where there were multiple deaths in a single incident, and all transfers required the agreement of the receiving coroner.
- Arrangements for inquests relating to incidents in 2003 and 2004 were “well in hand”, but there were still “serious delays” to later inquests and the number of bodies repatriated to RAF Brize Norton was increasing.
- One unavoidable factor behind those delays was the need to wait for a BOI to conclude before beginning an inquest.
- It was crucial to keep families informed of progress.
- MOD officials felt that Mr Gardiner and his officers provided effective support to families through the inquest process.
- DCA officials considered that Mr Gardiner’s office would be unable to cope with the workload once the additional resources provided by the Government were removed.

¹⁵⁸ Letter Gardiner to Harman, 21 November 2006, ‘Foreign Service Fatalities’.

¹⁵⁹ Minute DCA [junior official] to Harman, 6 October 2006, ‘Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog’.

¹⁶⁰ Record, 18 October 2006, ‘Oxfordshire Coroner: Note of a meeting at 10am on 18 October 2006 in room 8.04 Steel House’.

256. The meeting considered a number of options, and agreed that:

- The MOD should continue to use RAF Brize Norton.
- MOD policy should be amended, so that when a death occurred (and before the body was repatriated), the appropriate local coroner would be alerted that the body of the deceased would be coming into their district.
- The body would be taken to the local coroner immediately after the repatriation ceremony. Such a policy “would avoid the need to involve the Oxfordshire Coroner at all”.

257. Ms Harman wrote to Mr Gardiner on 17 November, following up on discussions between Mr Gardiner and DCA officials, to seek his views on that approach.¹⁶¹

258. Mr Gardiner replied on 21 November, recalling that the Coroner’s Act required him to hold an inquest if he was informed that a body was within his jurisdiction and the death appeared violent or unnatural, and advised:

“In practice it is inevitable that I will be informed, either directly or through my Officers, of any bodies in my jurisdiction. Indeed ... I would be failing in my duties if I had not over the years established appropriate lines of communication.”¹⁶²

259. Mr Gardiner also advised that he had had informal discussions with a number of coroners, and most of them had indicated that they would accept transfers from him under Section 14 of the Coroners Act. Since he had alerted coroners to the likelihood that he would be transferring more cases (in early September), he had transferred three cases.

260. On 4 December, Ms Harman met relatives of Service Personnel killed in Iraq to discuss their experience of the investigation and inquest process and the coroners’ service.¹⁶³ The meeting, which was facilitated by an external organisation called Opinion Leader, was attended by 17 relatives from 12 families.

261. A record of the meeting by a DCA official highlighted relatives’ concern over the distance they had to travel to inquests (there was a “particular difficulty” with Scottish fatalities as there was no discretion to hold a Fatal Accident Inquiry in Scotland where the death occurred overseas), and the perceived failure of the MOD to provide them with all documentation before the inquest.¹⁶⁴ The official commented that the Oxfordshire Coroner had been encouraged to transfer cases to other coroners. The DCA was also exploring ways to transfer a body directly to a local coroner.

¹⁶¹ Letter Harman to Gardiner, 17 November 2006, ‘Iraq and Afghanistan Fatalities: Handling Future Inquests’.

¹⁶² Letter Gardiner to Harman, 21 November 2006, ‘Foreign Service Fatalities’.

¹⁶³ Report Opinion Leader, January 2007, ‘DCA Meeting with Families of Military Personnel who Lost their Lives in Iraq’.

¹⁶⁴ Email DCA [junior official] to Burden, 8 December 2006, ‘Short Paper on Actions from Iraq Inquest Meeting with Families’ attaching Paper, [undated], ‘Actions from Iraq Inquest Meeting with Families’.

262. Discussions on whether a Fatal Accident Inquiry could be held for all Scottish fatalities are addressed later in this Section.

263. On 13 December, a DCA official advised Ms Harman that the Oxfordshire Coroner's office continued to receive a significant number of fatalities from Iraq and Afghanistan (15 and 33 respectively, since June).¹⁶⁵ The DCA continued to have serious doubts about whether it could cope with that workload. The Coroner's office had "raised the possibility" of extending the additional staff until all inquests (pre- and post-June 2006) had been cleared, but the DCA had advised them that that would be a matter for Oxfordshire County Council.

264. Ms Harman told the House of Commons on 18 December that, following the 4 December meeting, the DCA was "working on providing families with better information about the inquest system, how we can help families to have access to all material relevant to the inquest, and holding inquests closer to where the relatives live".¹⁶⁶

265. Ms Harman wrote to Mr Browne on the same day, highlighting five areas identified at the 4 December meeting where changes might improve a family's experience:

- Holding the inquest closer to the family's home, rather than in Oxford. The DCA was encouraging Mr Gardiner to transfer cases to other coroners as a way of reducing his backlog. Another possibility would be to repatriate the bodies of deceased Service Personnel directly to the family's local coroner without any involvement by the Oxfordshire Coroner.¹⁶⁷
- Creating an information pack for families of deceased Service Personnel which described what to expect from an inquest and where to go for further support. Ms Harman suggested that DCA and MOD officials should discuss the contents of the pack.¹⁶⁸
- Establishing a "victims' advocate service" for families, similar to the Coroner's Court Support Service but tailored to address the particular problems of families of those killed abroad and in conflict. The service could build on the support already provided by Visiting Officers.
- Ensuring earlier and more complete advance disclosure of documents and key facts to families.
- Ending the practice of charging families for access to documents, including inquest transcripts.

¹⁶⁵ Minute DCA [junior official] to Harman, 13 December 2006, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

¹⁶⁶ House of Commons, *Official Report*, 18 December 2006, column 116WS.

¹⁶⁷ Letter Harman to Browne, 18 December 2006, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.

¹⁶⁸ The resulting booklet, *MOD & MOJ Boards of Inquiry and Coroners' Inquests: Information for Bereaved Families (2008)*, was published in early 2008.

266. The Opinion Leader record of the 4 December meeting, which issued in January 2007, reported that the Coroner's service had not sufficiently met the needs of most families.¹⁶⁹ It identified six main issues:

- the time between incident and inquest (more than three years in some cases);
- insufficient notification of an inquest, leaving little opportunity to prepare;
- not having access to key information;
- specific problems with the running of the inquest (including key witnesses not being present, factual errors, and not having the opportunity to ask questions);
- a lack of sensitivity in the treatment of families; and
- cost and logistical issues (including being asked to pay for documents and the difficulty faced by some families in paying for legal representation).

267. The report advised that families had also raised concerns relating to their treatment by the media and the Army's investigative processes.

268. On 22 January 2007, Mr David Cameron, the MP for Witney, in whose constituency RAF Brize Norton was located, wrote to Lord Falconer stating that it was "patently unfair" that Oxfordshire County Council should have to provide funding to clear post-June 2006 inquests.¹⁷⁰ The Council estimated that the Coroner's office would require an additional £100,000.

269. On 13 February, Mr Browne replied to Ms Harman's letter of 18 December:

"... I understand that your officials have confirmed with the Oxfordshire Coroner that provided the body is not formally reported to him he would be content for the repatriated body to be transferred directly from Brize Norton after the ceremonial to the area of the 'home' coroner."¹⁷¹

270. Mr Browne commented that this was a welcome development, provided that flexibility was retained; there would be occasions when the Oxfordshire Coroner, with the pathology services available to him, would be able to release a body to the family more quickly than a local coroner.

271. On 27 March, a DCA official advised Ms Harman that the DCA's line that Oxfordshire County Council should provide funding was "becoming harder to maintain".¹⁷² It was important that Mr Walker was retained to deal with the post-June 2006 backlog. The DCA would look to the MOD to provide funding, but it was certain to resist.

¹⁶⁹ Report Opinion Leader, January 2007, 'DCA Meeting with Families of Military Personnel who Lost their Lives in Iraq'.

¹⁷⁰ Letter Cameron to Falconer, 22 January 2007, 'Coroner Service in Oxfordshire'.

¹⁷¹ Letter Browne to Harman, 13 February 2007, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.

¹⁷² Minute DCA [junior official] to Harman, 27 March 2007, 'Oxfordshire Coroner: Written Ministerial Statement on Progress with Iraq Related Inquest Backlog'.

272. Ms Harman informed the House of Commons on 29 March that the Government had made further resources available to the Oxfordshire Coroner office's to enable Mr Walker to remain as Assistant Deputy Coroner and to enable one Coroner's Officer to be retained, to handle the new (post-June 2006) backlog of inquests.¹⁷³

273. Ms Harman advised Mr Browne at the end of March that, since the Oxfordshire Coroner was now routinely transferring inquests to the appropriate local coroner, there had been no need to repatriate bodies directly to a local coroner without any involvement by the Oxfordshire Coroner.¹⁷⁴ Ms Harman understood that the practice of transferring single death inquests would be followed by the Swindon and Wiltshire Coroner (when fatalities began to be repatriated through RAF Lyneham from 1 April).

Support for the Swindon and Wiltshire Coroner

274. From 1 April 2007, due to essential repair work at RAF Brize Norton, ceremonial repatriations took place through RAF Lyneham in Wiltshire.

275. In May, the DCA took on certain responsibilities from the Home Office and was renamed the Ministry of Justice (MOJ). Ms Harman retained Ministerial responsibility for coronial policy.

276. Mr David Masters, the Coroner for Wiltshire & Swindon, wrote to the Ministry of Justice on 21 May, requesting additional resources for his office to enable it to deal with the bodies of Service Personnel killed in Iraq and Afghanistan.¹⁷⁵

277. An MOJ official advised Ms Harman that she should resist providing additional funding, but offer Mr Masters a meeting with MOJ and MOD officials to discuss his workload and possible options. There was a risk that without additional funding a backlog could develop (as it had in Oxfordshire), but there was also a case for challenging the argument that Mr Masters could not cope without it.

278. Ms Harman replied to Mr Masters on those lines.¹⁷⁶

279. Subsequently, against a background of Parliamentary concern over the possibility that the backlog of inquests was increasing, she agreed with Mr Jack Straw, Secretary of State for Justice and Lord Chancellor, that he should meet Mr Masters.

280. Mr Straw and Ms Prentice met Mr Masters on 23 July.¹⁷⁷ Mr Masters said that he had transferred 17 cases relating to single deaths to other coroners, but retained

¹⁷³ House of Commons, *Official Report*, 29 March 2007, column 124WS.

¹⁷⁴ Letter Harman to Browne, 27 March 2007, 'Proposals Arising from Meeting with Relatives of Service Personnel on their Experience of the Inquest System'.

¹⁷⁵ Minute MOJ [junior official] to Harman, 12 June 2007, 'Request from Wiltshire and Swindon Coroner for Additional Resources to Deal with Military Fatalities Repatriated via RAF Lyneham'.

¹⁷⁶ House of Commons, *Official Report*, 12 July 2007, column 1623.

¹⁷⁷ Minute PS/Prentice [MOJ] to MOJ [junior official], 23 July 2007, 'Meeting with Wiltshire Coroner – 23 July 2007'.

jurisdiction in 16 cases relating to multiple deaths or where the deceased was from Scotland. He needed additional staffing and resources to deal with the additional workload. Mr Straw and Ms Prentice both said that they were “sympathetic” to that request.

281. Mr Straw and Mr Browne agreed later that month that the MOJ and the MOD should share the cost of supporting Mr Masters’ office,¹⁷⁸ and in October that their Departments should share the cost equally.¹⁷⁹ The cost for 2007/08 was likely to be £230,000, and £350,000 a year thereafter.

282. In October, an MOJ official advised Ms Prentice that there was no backlog of military inquests in Wiltshire and Swindon.¹⁸⁰

283. The Coroners and Justice Bill, which was introduced into Parliament in January 2009, included a number of measures to ensure that any future backlogs of inquests could be addressed more easily. The Bill is described later in this Section.

Efforts to improve the inquest process, 2006 to 2009

US participation in inquests

284. Ms Harman wrote to Mr David Johnson, the Deputy Chief of Mission at the US Embassy in London, on 20 July 2006 about “the need for US co-operation which was contributing to delays in inquests” into the deaths of British Service Personnel in Iraq.¹⁸¹

285. The inquest into the death of Mr Terry Lloyd, an Independent Television News (ITN) journalist who died in a friendly fire incident with US forces on 22 March 2003, was conducted by Mr Andrew Walker, the Assistant Deputy Coroner for Oxfordshire, in October 2006. Mr Walker found that Mr Lloyd had been unlawfully killed.

286. In early August, as part of the preparations for that inquest, MOD and FCO officials met US Embassy staff on behalf of Mr Walker, to try to secure US authority to use a US Marine Corps report into one part of the incident and additional material covering the precise circumstances of Mr Lloyd’s death.¹⁸²

287. The Pentagon advised MOD officials in late September that a redacted version of the Marine Corps report could be used and that no additional material was available.

288. Mr Walker then asked for US Service Personnel to attend the inquest. When that request was refused, he ruled that the information provided by the US was

¹⁷⁸ Letter Straw to Browne, 26 July 2007, ‘Wiltshire and Swindon Coroner: Additional Funding’.

¹⁷⁹ Minute MOJ [junior official] to Prentice, 18 October 2007, ‘Overseas Military Inquests: October Written Ministerial Statement’.

¹⁸⁰ Minute MOJ [junior official] to Prentice, 18 October 2007, ‘Overseas Military Inquests: October Written Ministerial Statement’.

¹⁸¹ Letter Harman to Johnson, 6 November 2006, ‘Oxfordshire Iraq related Inquests’.

¹⁸² Briefing MOD, [undated], ‘Meeting with David Johnson, Deputy Chief of Mission US Embassy London (16 November 2006)’.

“inadmissible”, as he would not have the opportunity to question those who had provided witness statements.

289. Ms Harman wrote to Mr Johnson again on 6 November, to advise him that difficulties in securing US co-operation remained.¹⁸³ It appeared that US Service Personnel did not regard themselves as being required to attend inquests, despite being requested to do so. Mr Walker had told her that the inquest into the death of Mr Lloyd would have benefited considerably from the presence of US witnesses who could be questioned by him and the next of kin. Reading out the witnesses’ statements (with the names of the witnesses redacted) “was no substitute”.

290. Ms Harman reassured Mr Johnson that an inquest was not a criminal trial, and there was no reason for US Service Personnel not to attend. She suggested that they should meet to discuss the issue.

291. Ms Harman met Mr Johnson on 20 November.¹⁸⁴

292. In advance of the meeting, Ms Harman asked for advice on a number of issues including how the UK would respond to a request for UK Service Personnel to attend a US inquest (or equivalent).¹⁸⁵

293. The MOD advised that there was:

“... no formal process ... to facilitate such attendance. Attendance would have to be assessed on a case-by-case basis and the MOD would have to carefully consider the rights of the individual under different legal/constitutional systems”.¹⁸⁶

294. At the meeting, Mr Johnson said that the US had provided redacted copies of US reports into incidents for a number of inquests; he was disappointed that Mr Walker had “rejected” that material.¹⁸⁷ Ms Harman suggested that the key issue was the ability of the coroner and families to question the material. Mr Johnson asked whether individuals who had been closely involved with the investigation of an incident could attend the inquest, instead of individuals who had been involved in it. Ms Harman agreed that that option should be explored, but said that it was for the coroner to decide who should give evidence.

295. Mr Johnson asked if UK Service Personnel were obliged to attend US or other inquests and inquiries; Ms Harman said that she had discussed that point with Mr Hoon,

¹⁸³ Letter Harman to Johnson, 6 November 2006, ‘Oxfordshire Iraq related Inquests’.

¹⁸⁴ Email Tierney to English, 21 November 2006, ‘Note of Meeting between Harriet Harman and David Johnson’.

¹⁸⁵ Email Tierney to English, 14 November 2006, ‘Meeting with US Embassy Deputy Chief of Mission’.

¹⁸⁶ Briefing MOD, [undated], ‘Meeting with David Johnson, Deputy Chief of Mission US Embassy London (16 November 2006)’.

¹⁸⁷ Email Tierney to English, 21 November 2006, ‘Note of Meeting between Harriet Harman and David Johnson’.

who thought that “they should”. Mr Johnson also raised concerns about creating a precedent for similar processes in other countries.

296. An FCO official who attended the meeting reported that the US appeared to have two concerns:

- the material that they might be required to provide; and
- the risk that attendance at inquests by US Service Personnel might expose those individuals to civil action in the UK.¹⁸⁸

297. In the following weeks, DCA and FCO officials provided advice to the US Embassy on the inquest process¹⁸⁹ and the extent of extra-territorial jurisdiction under English law.¹⁹⁰

298. The FCO’s advice on extra-territorial jurisdiction was that:

- English criminal law was essentially territorial. There was no jurisdiction in English law to prosecute a foreign national for homicide committed overseas.
- If there was no extra-territorial jurisdiction, there was no question of any charges being issued against US Service Personnel.
- There were a group of “international” offences for which the UK had taken universal jurisdiction, including most relevantly “grave breaches” of the Geneva Conventions committed anywhere by persons of any nationality. It was, however, “hard to imagine circumstances in which a ‘friendly fire’ incident would amount to a grave breach” of the Convention.

299. Ms Harman met Mr Johnson again on 6 December.¹⁹¹ Ms Harman suggested that the meeting should focus on the inquest into the death of L Cpl Hull.

300. Ms Harman said that she had spoken to Mr Walker, the coroner responsible for that inquest. He would like US witnesses to the incident to attend the inquest; however, he could accept “as a minimum”:

- an unredacted copy of the US report on the incident: the US and UK reports differed, and the US report had “large sections, even whole pages” redacted; and
- a US representative to speak to and explain the contents of the report.

301. An MOD official added that “in a reverse situation the UK would consider what we could offer in terms of best evidence”.

¹⁸⁸ Email FCO [junior official] to MOD [junior official], 20 November 2006, ‘Iraq Coroners Inquests’.

¹⁸⁹ Email DCA [junior official] to US Embassy [junior official], 30 November 2006, ‘Questions from the US Embassy about Inquests’.

¹⁹⁰ Email Adams to US Embassy [junior official], 1 December 2006, ‘Questions from US Embassy about inquests’.

¹⁹¹ Minute Burden to Harman, 11 December 2006, ‘Update Meeting between Harriet Harman and David Johnson on US Attendance at UK Inquests into Deaths in Iraq’.

302. Mr Johnson advised that the US Government had concluded that it would not be possible for US witnesses to an incident to participate in the inquest. It was now considering whether it could provide someone who could speak authoritatively to a US report.

303. On 1 February 2007, Mr Walker stated that he wished to play in open court a video-recording taken by one of the A-10 aircraft showing the attack on L Cpl Hull's convoy.¹⁹² That recording had been provided to the MOD by the US for use in the BOI into the incident, and had subsequently been shown to the coroner by the MOD on the mistaken premise that it was UK-owned material.

304. The following day, the MOD sought and received an adjournment to the inquest to allow time to consult the US on disclosure of the recording.

305. These events attracted a great deal of media attention, focusing on:

- claims that the family of L Cpl Hull had previously been informed by the MOD that no video-recording of the incident existed;
- the MOD's decision to seek an adjournment, thus delaying the inquest; and
- the US Government's position that US witnesses to an incident should not participate in any subsequent UK inquest.

306. On 4 February, *The Observer* newspaper quoted Ms Harman's view:

"My letters haven't proved successful, phone calls haven't proved successful, requests from the coroners haven't. It's just not fair on the relatives to sit in on an inquest and to know that they can't ask questions. They're entitled to know the truth from our allies."¹⁹³

307. The recording was leaked to the press on 6 February.¹⁹⁴

308. Later that day, the US told the Government that the recording could be viewed by the coroner, an MOD representative and L Cpl Hull's family only.¹⁹⁵

309. On 19 February, prompted by concerns arising from the MOD's support for the inquest into L Cpl Hull's death, Mr Ingram sought advice on whether the MOD should adopt a fundamentally different BOI process. This is described earlier in this Section.

¹⁹² Minute Ferguson to APS/Min(AF), 2 February 2007, 'Oxfordshire Inquests: Release of US Classified Information'.

¹⁹³ *The Observer*, 4 February 2007, *Why won't the US tell us how Matty died?*

¹⁹⁴ *The Guardian*, 6 February 2007, *US allows 'friendly fire' tape in court.*

¹⁹⁵ Minute DCA [junior official] to Tierney, 21 February 2007, 'Note of meeting with David Johnson (Deputy Chief of Mission, US Embassy)'.

310. Ms Harman met Mr Johnson for a third time on 21 February.¹⁹⁶ A DCA official recalled Mr Walker's requests for an unredacted copy of the US report on the attack on L Cpl Hull's convoy and for a US representative to speak to the report. Ms Harman said:

"... although it is difficult for the US to do what the coroner is asking, it is worse for the US not to ... providing no document and no representative at the inquest would be unacceptable."

311. Mr Johnson advised that the US Government was still considering these requests; discussions between the US and UK military would take place later that week.

312. Mr Bill Jeffrey and Mr Gordon England, the US Deputy Defense Secretary, discussed the issue two days later.¹⁹⁷ Mr England advised that, while the US aimed to be as co-operative as possible:

- They could not provide an unredacted version of the US report to Mr Walker, could not agree that he should contact the A-10 pilots directly, and could not provide an official to answer questions on the training of A-10 pilots.
- They could not agree to the in principle release of classified US information to coroners in future cases.
- They could not agree to provide "third-party US officials" to attend inquests.

313. Mr Jeffrey asked Mr England to reconsider the provision of third-party US officials; Mr England agreed that he would.

314. On 16 March, Mr Walker ruled that L Cpl Hull was unlawfully killed.¹⁹⁸ The press reported that Mr Walker was critical of the failure of the US authorities to co-operate with the inquest.

Legal representation at inquests

315. The Government's position at the beginning of Op TELIC was that legal aid was not normally necessary at inquests as the inquest procedure was designed to be inquisitorial and non-adversarial.¹⁹⁹ Legal aid could be provided in exceptional circumstances by the Lord Chancellor, provided that the Legal Services Commission (LSC) recommended it. Such exceptional circumstances might relate to a wider public interest in the applicant being legally represented, or to a need for the applicant to be legally represented to enable the coroner to carry out an effective investigation.

¹⁹⁶ Minute DCA [junior official] to Tierney, 21 February 2007, 'Note of meeting with David Johnson (Deputy Chief of Mission, US Embassy)'.

¹⁹⁷ Minute PS/PUS [MOD] to Policy Director, 23 February 2007, 'Coroners' Inquests – PUS Phonecall with Gordon England: 23 February 2007'.

¹⁹⁸ *Daily Telegraph*, 17 March 2007, *Killing of British soldier by US pilot criminal*.

¹⁹⁹ Standard Note, 28 January 2010, *Legal aid for representation at Inquests*.

316. Legal Help might be available (subject to a means test) to provide legal advice and assistance before an inquest.

317. The Deepcut Review into the circumstances surrounding the deaths of four soldiers at the Princess Royal Barracks, Deepcut between 1995 and 2002, led by Mr Nicholas Blake, reported in March 2006.²⁰⁰ He concluded that the participation of the family of the deceased in an inquest was desirable, and that their participation was assisted by “having experienced legal professionals to advise them whether there are reasons for concern, and how they can be properly addressed”. He also concluded that, in some circumstances, it was “invidious for the Army to be legally represented at such an inquest at public expense whilst the family is not”.

318. Mr Blake recommended:

“As part of the military covenant with the soldier, the MOD should ensure that the family of a deceased soldier have access to legal advice and, where appropriate, legal representation prior to, and during, the inquest or FAI [Fatal Accidents Inquiry].”

319. The Government’s formal response to the Deepcut Review was issued in June, and stated:

“An inquest is an inquisitorial, non-adversarial fact finding process of limited scope which does not make findings of civil or criminal liability. It is the general presumption that legal representation is not necessary, and it is quite appropriate for those deemed interested persons by the Coroner to ask questions of witnesses at an inquest without legal assistance. Government provision of legal aid ... is not therefore normally available ... However, under the Access to Justice Act 1999 allocation may be made to the Legal Services Commission for exceptional funding.”²⁰¹

320. Ms Harman met relatives of Service Personnel killed in Iraq on 4 December, to discuss their experience of the investigation and inquest process.²⁰² The formal record of the meeting reported that families “would like to be informed of their right to have legal representation [at an inquest], and that the Government should provide funding for legal representation where families could not afford it”.

321. Ms Harman wrote to Mr Browne later that month summarising the conclusions of the meeting; her letter did not address the issue of legal representation.²⁰³

²⁰⁰ Nicholas Blake QC, *A Review of the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut, between 1995 and 2002*, HC795, 29 March 2006, paragraph 12.110 and recommendation 31.

²⁰¹ Ministry of Defence, *The Government’s Response to the Deepcut Review*, Cm 6851, June 2006.

²⁰² Report Opinion Leader, January 2007, ‘DCA meeting with families of military personnel who lost their lives in Iraq’.

²⁰³ Letter Harman to Browne, 18 December 2006, ‘Proposals arising from meeting with relatives of service personnel on their experience of the inquest system’.

322. On 13 December, during Prime Minister's Questions, Mr Roger Gale asked Mr Blair:

"When inquests are held into the deaths of Service Personnel whose bodies are returned to the UK, the Government are represented by the Treasury Solicitor, who has access to effectively unlimited taxpayers' funds for QCs, witnesses and support investigations. In contrast, families of the bereaved attending the same inquest have to pay out of their own pockets. Is it right that the dice should be loaded against the bereaved?"²⁰⁴

323. Mr Blair replied that Ms Harman was looking at the arrangements for inquests, adding that "it is of course important to make sure that bereaved families are given every possible facility".²⁰⁵

324. Mr Gale continued to press the Government to provide funding routinely for legal representation for bereaved families at inquests into the deaths of Service Personnel.

325. On 17 January 2007, a DCA official advised Ms Vera Baird, Parliamentary Under Secretary of State for the DCA, that Ms Harman had received representations on the issue during a consultation meeting on the draft Coroners Bill and at her 4 December meeting with the families of Service Personnel who had died in Iraq.²⁰⁶ Ms Harman was concerned that there was a "real or perceived inequality" when a public authority was legally represented at an inquest but the family of the deceased was not. She had therefore asked officials to explore options for providing (non-legal aid) funding for families at inquests where public authorities had legal representatives. That work was still at a very early stage.

326. A DCA official detailed Ms Harman's position and that work on 22 February:

"Harriet [Ms Harman] was clear that it is of fundamental importance that there should be equality of arms between the families and MOD and something needs to be done to achieve this urgently ... Her view is that if it is not possible for families to be given legal support over and above the legal aid provisions then she would propose that equality of arms is met by there being no MOD lawyers present at the inquests in which they have an interest."²⁰⁷

327. Work was under way to:

- develop a consultation paper to seek views on how representation for families could be paid for outside of the legal aid system, in cases when a public

²⁰⁴ House of Commons, *Official Report*, 13 December 2006, column 872.

²⁰⁵ House of Commons, *Official Report*, 13 December 2006, column 872.

²⁰⁶ Minute DCA [junior official] to Baird, 17 January 2007, 'Advice and draft reply to Roger Gale MO – funding for representation at Inquests'.

²⁰⁷ Minute DCA [junior official] to Falconer, 22 February 2007, 'Legal Funding of Military Inquests: Correspondence from Roger Gale MP'.

authority was represented; the favoured option was a surcharge on those authorities; and

- conduct a study to establish fair and effective ways of ensuring that families routinely had official material disclosed to them before an inquest; that should improve the opportunity for families to participate in inquests on equal terms.

328. On 27 February, the All Party Parliamentary Group on Army Deaths held a seminar focusing on the issue of legal representation for families, which Ms Harman attended.²⁰⁸

329. On 9 March, a DCA official advised Ms Harman that:

- the MOD had had legal representation at eight of the 45 inquests (into 63 deaths in Iraq and Afghanistan) that had been completed;
- at five of those eight inquests, the family had also had legal representation; and
- at three other inquests the family had had legal representation and the MOD had not.²⁰⁹

330. The official advised that the DCA had been able to confirm only two cases where families had received legal aid for an inquest relating to Iraq (at a total cost of some £38,000).

331. The official recalled the Government's response to the Deepcut Review and commented:

"If the MOD maintain the line that inquests are not adversarial ... so that families do not need to be represented, this begs the question as to why MOD needs to be represented."

332. Ms Harman wrote to Mr Browne on 14 March:

"I am becoming increasingly concerned about the lack of legal representation for families at inquests where the military are represented."²¹⁰

...

"One solution to the problem might be for neither the military nor the family to be legally represented. Alternatively, funding should be provided to families for representation in those cases where the MOD is represented. I would look to your Department to fund this ...

"I would welcome an early meeting to discuss this."

333. Ms Harman concluded with the handwritten comment: "I know you share my concern on this."

²⁰⁸ Email Robins to Burton, 27 February 2007, 'Seminar on Army deaths'.

²⁰⁹ Minute DCA [junior official] to Falconer, 9 March 2007, 'Legal Representation in Military Inquests'.

²¹⁰ Letter Harman to Browne, 14 March 2007, 'Legal Representation at Inquests'.

334. Ms Harman and Mr Ingram met on 18 April to discuss legal representation at military inquests.²¹¹ Ms Harman said that there were two distinct areas to consider:

- “logistical and moral” support and advice for families; and
- legal advice and representation.

335. Mr Ingram and Ms Harman both stated that their departments did not have the resources to fund legal representation. They agreed that:

“... the increased support for families from the MOD and the increased support for coroners as well as the work on greater disclosure of information would go a long way to providing families with the support they want at inquests.”

336. They also agreed to set out that increased support in a Written Ministerial Statement.

337. Mr Ingram undertook to ensure that families had an MOD representative with them at the inquest “to provide explanations and support”.

338. Mr Ingram made a Written Ministerial Statement on 7 June on improved support to bereaved families.²¹² The Statement did not cover legal representation for bereaved families at inquests.

339. The Royal British Legion’s “Honour the Covenant” campaign, which was launched in September 2007, highlighted the distress caused to families by delays to and the lack of legal representation during inquests, and called for legal advice, representation and advocacy to be provided to all families at public expense.²¹³

340. Ms Joan Humble, chair of the All Party Parliamentary Group on Army Deaths, wrote to Ms Prentice on 14 December seeking advice on how the Group could best engage with Government discussions on the reform of the inquest system and in particular the issue of legal representation for the families of deceased Service Personnel.²¹⁴ Ms Humble stated:

“To grieving families it seems a travesty of justice that MOD and Service Personnel should appear in court represented at public expense while they may have been advised they don’t require representation or [are] forced to put their life savings on the line.”

341. Ms Prentice replied on 19 February 2008, recalling the position that legal aid was not usually available for representation at an inquest because it was a “fact-finding

²¹¹ Minute Tierney to DCA [junior official], 19 April 2007, ‘Note of meeting between Harriet Harman and Adam Ingram on legal representation at military Inquests’.

²¹² House of Commons, *Official Report*, 7 June 2007, column 26WS.

²¹³ The Royal British Legion, September 2007, *Honour the Covenant*.

²¹⁴ Letter Humble to Prentice, 14 December 2007, [untitled].

process” and not a trial.²¹⁵ Legal representation could be provided in exceptional circumstances, and the MOJ had not refused any exceptional funding applications (from the Legal Services Commission) concerning deaths in Iraq or Afghanistan.

342. Ms Prentice continued:

“I would also say that when I met representatives of the War Widows Association recently, they did not feel that legal representation at inquests was necessary, if the families were taken through the inquest process slowly and gently by the coroner.”

343. On 13 March 2008, in response to a further question from Mr Gale, Ms Harman (Leader of the House of Commons) said:

“I agree with the hon. Gentleman that if bereaved relatives with no legal representation turn up on the steps of a coroner’s court and find that the Ministry of Defence and the Army have a great battery of solicitors and QCs, they cannot help but feel that the position is unfair. The MOD is very concerned about the issue, which will be considered during debate on the Coroners Bill. We need to give bereaved relatives at inquests a real sense of fairness and support.”²¹⁶

The Coroners and Justice Act, 2009

344. A January 2009 briefing on the Coroners and Justice Bill advised that it would contain a number of measures to ensure that any future backlogs of inquests could be addressed more easily:

- It would create a new national head of the coronial system, the Chief Coroner, who would be able to reallocate work between coroners and request the Lord Chief Justice to appoint judges to act as coroners in complex cases. The wishes of the bereaved family would be taken into account in determining the location of the inquest.
- Coroners would have new powers to obtain information to help their investigations. “Rigid restrictions” on where inquests and post-mortems could be held would be relaxed and the power to transfer cases to prevent delays would be enhanced.²¹⁷

345. The Bill would also give the Lord Chancellor powers to issue statutory guidance on how the coroners’ system should operate, in particular with respect to bereaved families.

346. The Coroners and Justice Bill was introduced to Parliament on 14 January 2009.²¹⁸ It did not contain any reference to public funding for legal representation at inquests.

²¹⁵ Letter Prentice to Humble, 19 February 2008, ‘All Party Group on Army Deaths’.

²¹⁶ House of Commons, *Official Report*, 13 March 2008, column 421.

²¹⁷ Briefing, 28 January 2009, ‘Coroners and Justice Bill: Military inquests briefing 28 January 2009’.

²¹⁸ Coroners and Justice Act 2009 c.25 Explanatory Notes, paragraph 820.

347. On 21 October 2009, during a debate on the Bill in the House of Lords, Lord Thomas of Gresford moved an amendment which would have the effect of bringing inquests into deaths in State custody or while on active military service within the scope of legal aid.²¹⁹

348. Lord Bach, Parliamentary Under Secretary of State for the MOJ, agreed to consider that amendment, adding:

“Obviously I cannot give any guarantees that I will be able to bring forward a suitable amendment ... but I shall certainly do my best.”²²⁰

349. An MOJ official provided advice to Lord Bach on 23 October on the form and cost of such an amendment.²²¹ The official identified a number of risks, including:

- The MOD was trying to reduce how often it chose to be legally represented at inquests “to tackle the perception that they have the advantage over families”. If bringing military inquests into the scope of the legal aid scheme meant that most families had legal representation, then the MOD would also want representation. The MOD had chosen to be represented at “only” 45 percent of inquests in 2008.
- Bringing military inquests into the scope of the legal aid scheme meant that decisions on whether to provide legal aid would be made by the Legal Services Commission (LSC) without reference to Ministers. That might lead to military inquests being refused legal aid, particularly where the LSC did not waive the financial eligibility limits. The official recalled that all 17 of the applications for exceptional funding in relation to military inquests which had so far been made by the LSC had been granted by the MOJ.

350. When the Bill reached its Third Reading in the House of Lords on 5 November, the Government tabled an amendment which made specific provision for legal representation at an inquest into the death of British Service Personnel on active service to be publicly funded.²²² A means test applied.

351. The Bill became the Coroners and Justice Act in November 2009, with the amendment included as Section 51. That Section was not brought into force immediately.

352. Section 51 was repealed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.²²³ The MOJ’s consultation paper for that Act, which was published

²¹⁹ House of Lords, *Official Report*, 21 October 2009, column 746.

²²⁰ House of Lords, *Official Report*, 21 October 2009, column 749.

²²¹ Minute MOJ [junior official] to Bach, 23 October 2009, ‘Legal Aid – Coroners and Justice Bill – Extending Legal Aid to Death in Custody and Military Personnel Inquests’.

²²² Coroners and Justice Act 2009 c.25 Section 51 and Explanatory Notes, paragraphs 326 and 820.

²²³ Standard Note, 10 March 2014, ‘Legal aid for representation at Inquests’.

in November 2010, proposed that as inquests were non-adversarial in nature, legal aid could not be justified.

353. Following the 2010 UK general election, the incoming Government first announced that the Office of the Chief Coroner would be abolished, because of the costs involved, and then proposed to leave the Office on the statute book but to transfer some (but not all) of the functions to other posts and institutions.²²⁴

354. In November 2011, following criticism in Parliament and from concerned organisations, the Government announced that it would establish the Office of the Chief Coroner.

355. The first post-holder, His Honour Judge Peter Thornton, took up the post in September 2012.²²⁵

Fatal Accident Inquiries in Scotland

356. The Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 provided for the Lord Advocate to instruct a procurator fiscal to investigate a death if it appeared to the Lord Advocate that an investigation would be in the public interest. This contrasted with the position in England and Wales, where coroners had a statutory duty, under the 1988 Coroners Act, to investigate deaths which were reported to them when the body was lying in their district and there was reason to believe that the death was violent or unnatural, or was a sudden death of unknown cause, or in some other circumstances.²²⁶ That duty applied “whether the cause of death arose in his district or not”.

357. On 2 April 2003, two weeks after the start of military operations against Iraq, a Home Office official wrote to Mr Nicholas Gardiner, the Oxfordshire Coroner, proposing guidelines for transferring cases to other coroners:

“An aspect of this we had not yet addressed is the handling of fatalities where they are to be transferred to Scotland or Northern Ireland. I have had a brief word with my Northern Ireland and Scottish counterparts. In neither territory would there normally be inquests or other inquiries into deaths abroad. It would therefore seem inevitable for you to accept jurisdiction for inquests in such cases ...”²²⁷

358. Mr Gardiner agreed with that assessment.²²⁸

359. There are no indications that the issue was considered again until 2006.

²²⁴ House of Commons Library Standard Note, 24 November 2011, ‘The Office of the Chief Coroner’.

²²⁵ Report of the Chief Coroner to the Lord Chancellor, 2014, *First Annual Report: 2013-2014*.

²²⁶ Coroners Act 1988. The Act was replaced by the Coroners and Justice Act 2009.

²²⁷ Letter Home Office [junior official] to Gardiner, 2 April 2003, ‘Section 14 and War Deaths’.

²²⁸ Letter Gardiner to Home Office [junior official], 4 April 2003, ‘Section 14 etc’.

360. The Deepcut Review into the circumstances surrounding the deaths of four soldiers at the Princess Royal Barracks, Deepcut reported in March 2006.²²⁹ The Review recommended: “There should always be an inquest, or, in Scotland, a Fatal Accidents Inquiry, into a sudden death of a soldier, wherever the death has occurred.”

361. The Government’s formal response to the Review, which issued in June, stated that discussions were continuing between the MOD and the DCA, with a view to responding to the recommendation in the context of the Coroners Bill.²³⁰ Responsibility for legislation on inquiries into deaths in Scotland was delegated to the Scottish administration; any proposals would therefore need to be discussed with the Scottish Executive.

362. On 4 December, Ms Harman met relatives of Service Personnel killed in Iraq, to discuss their experience of the investigation and inquest process.²³¹ The record of the meeting reported that there was consensus that inquests should be held “more locally, including in Scotland”.

363. Ms Harman wrote to Mr Browne later that month summarising the conclusions of the meeting, including:

“There is a particular issue about Scottish fatalities which are repatriated to England and Wales ... unless there is an inquest in England there will be no inquiry at all in Scotland. It was suggested [at the meeting] that until such time as the Scottish Executive’s position changes, a coroner in the north of England might be able to take on inquests for Scottish families, and my officials are looking into this possibility. I am also going to discuss with the Scottish Executive the issue of extending the scope of the Fatal Accident Inquiry to cover Service deaths abroad.”²³²

364. In April 2007, Ms Harman met Mr Ingram to discuss legal representation for families at inquests.²³³ Mr Ingram asked whether there was scope to transfer the inquest into the loss of Nimrod XV230 to Scotland. Ms Harman said that she had discussed the issue with the Scottish Lord Advocate and relevant Scottish Executive Minister, who had both confirmed that there was no scope in Scotland for an inquest or Fatal Accident Inquiry (FAI) into the incident.

365. Nimrod XV230 had crashed in Afghanistan on 2 September 2006, with the loss of 14 crew.²³⁴ The aircraft was based at RAF Kinloss in Scotland.

²²⁹ Nicholas Blake QC, *A Review of the circumstances surrounding the deaths of four soldiers at Princess Royal Barracks, Deepcut, between 1995 and 2002*, HC795, 29 March 2006.

²³⁰ Ministry of Defence, *The Government’s Response to the Deepcut Review*, Cm 6851, June 2006.

²³¹ Report Opinion Leader, January 2007, ‘DCA meeting with families of military personnel who lost their lives in Iraq’.

²³² Letter Harman to Browne, 18 December 2006, ‘Proposals arising from meeting with relatives of service personnel on their experience of the inquest system’.

²³³ Minute Tierney to DCA [junior official], 19 April 2007, ‘Note of meeting between Harriet Harman and Adam Ingram on legal representation at military inquests’.

²³⁴ GOV.UK, 3 September 2006, *Fourteen personnel in Afghanistan Nimrod crash named*.

366. During Defence Questions in the House of Commons on 14 May 2007, Mr Angus Robertson asked:

“Will the Ministry of Defence work with the incoming Scottish Executive to ensure that inquiries [into the deaths of Service Personnel] can take place under Scots law? After all, that would help to reduce the backlog and to ease the inconvenience to the families.”²³⁵

367. Mr Ingram replied:

“The answer to that is yes ... My understanding is that there would need to be a change to primary legislation. We need to look into that, but if there is a will to change in Scotland, let us hear the propositions.”²³⁶

368. Mr Ingram subsequently discussed with MOD officials how he could respond to Mr Robertson’s call.²³⁷

369. On 2 June, Mr Ingram wrote to Mr Kenny MacAskill, Cabinet Secretary for Justice at the Scottish Executive, to open a discussion on the issue:

“Ensuring that they [inquests] are conducted in a family-friendly manner remains a priority for us and, where practical, we are allocating them to ‘home’ coroners in England and Wales. We share your concern that it has not been possible to hold them in Scotland.

“The fact that we have, so far, repatriated the bodies of Scottish Service Personnel to England ensures that there can be an inquest, albeit under the Coroner’s Court arrangements for England and Wales.

“We would favour moving towards a position where, if appropriate, Inquiries into the deaths of Service Personnel can take place in Scotland. We would be happy to work with you to achieve this. However, we believe it will require a change of law in Scotland ...”²³⁸

370. Ms Prentice wrote to Mr MacAskill on 25 October, asking if there had been any developments since Mr Ingram’s letter.²³⁹ In the absence of an appropriate process in Scotland, the bodies of Scottish Service Personnel were repatriated to England “to ensure that there can be an inquest”. This meant that families had to travel considerable distances from their homes in Scotland to attend inquests.

²³⁵ House of Commons, *Official Report*, 14 May 2007, column 382.

²³⁶ House of Commons, *Official Report*, 14 May 2007, column 382.

²³⁷ Minute Baker to PS/Minister(AF) [MOD], 22 May 2007, ‘Fatal Accident Inquiries for Service Deaths Overseas’.

²³⁸ Letter Ingram to MacAskill, 2 June 2007, [untitled].

²³⁹ Letter Prentice to MacAskill, 25 October 2007, ‘Inquests of Scottish Service Personnel’.

371. Officials from the MOD, MOJ and Scottish Executive met on 14 December to consider the possibility of transferring responsibility for inquiries into the deaths of “Scottish-based” Service Personnel who were killed overseas from the coroners’ service to the Crown Office and Procurator Fiscal Service (COPFS),²⁴⁰ “with a view to FAIs being held rather than coroners’ inquests”.²⁴¹ The meeting concluded that:

- The way forward might be an order under Section 30 of the Scotland Act 1998.²⁴² That possibility would be explored by the Scottish Government Legal Directorate and the Office of the Solicitor to the Advocate General (OSAG).
- There did not appear to be any “fundamental obstacles” to the proposed transfer.
- The discretionary nature of the FAI system would need to be addressed.

372. On 27 March 2008, in response to a letter from Mr MacAskill, Mr Browne wrote:

“Addressing these issues is ... a matter for Scottish Ministers. The answer is for you to make a commitment to amend Scots law in a way that can guarantee that Scottish-based Service families can be assured of mandatory inquiries into overseas operational deaths. If that were to happen then it would be entirely appropriate to repatriate deceased Service Personnel to Scottish bases once the law has been changed. You will understand, however, that I cannot contemplate changes without your commitment to mandatory investigations.”²⁴³

373. Mr Browne’s letter was copied to all Members of the Scottish Parliament, in order to inform the debate on the planned review of FAIs which would be held in the Scottish Parliament later that day.

374. The issue of enabling inquiries to be held in Scotland into the deaths of Service Personnel normally domiciled in Scotland featured heavily in the debate.²⁴⁴

375. Closing the debate, Mr MacAskill stated that an amendment to the Scotland Act 1998 would be necessary before Scotland could act:

“If Des Browne agrees to the making of a section 30 order, we can begin to make progress; without a section 30 order, it would be ultra vires for us to proceed – the Parliament simply could not take such action.”

²⁴⁰ The Crown Office and Procurator Fiscal Service is Scotland’s prosecution service.

²⁴¹ Report, [undated], ‘Note of meeting to discuss possibility of Fatal Accident Inquiries into deaths of Scottish-based Service personnel in St Andrews House, 14 December 2007’.

²⁴² Orders made under Section 30(2) of the Scotland Act 1998 allow for modifications to be made to Schedule 5 to the Scotland Act, which lists those matters that are reserved to the UK Parliament, and as such defines the competence of the Scottish Parliament. The order-making power allows the Scottish Parliament’s legislative competence to be altered by removing or updating existing reservations, or by adding new ones.

²⁴³ Letter Browne to MacAskill, 27 March 2008, [untitled].

²⁴⁴ Scottish Parliament, *Official Report*, 27 March 2008.

376. The following day, an MOJ official advised Ms Prentice that the 14 December 2007 meeting of officials, and subsequent exchanges, had identified “no simple solution”.²⁴⁵ There were plans for officials to meet again.

377. On 4 November, Mr Bob Ainsworth, successor to Mr Ingram as Minister of State for the Armed Forces, informed the House of Commons that: “No reply [to Mr Browne’s letter of 27 March] has yet been received from the Scottish Executive.”²⁴⁶

378. That exchange prompted Mr Ainsworth to ask MOD officials how momentum could be regained on the FAI issue.²⁴⁷

379. An official advised Mr Ainsworth on 11 November that the Scottish Executive had given “considerable thought” to how inquiries could be held in Scotland without changing the devolution settlement, but Scottish Ministers did not appear to have come to a conclusion. The official was not sure that work was now being actively pursued. It was not satisfactory to let the issue drift.

380. Mr Ainsworth wrote to Ms Prentice the following day, proposing that Ministers and officials should meet to consider the way forward.²⁴⁸ A copy of the letter was sent to Ms Ann McKechnie, Parliamentary Under Secretary of State at the Scotland Office.

381. Mr MacAskill replied to Mr Browne’s letter of 27 March on 19 November.²⁴⁹

382. After a further exchange in January 2009, Mr Ainsworth wrote to Mr MacAskill on 29 January stating that “we do indeed have the basis for a way ahead”.²⁵⁰ That was to use the Coroners and Justice Bill to amend the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, so that the Chief Coroner (a new post that would be created by the Coroners and Justice Bill) could request the Lord Advocate to hold an FAI into a particular death.²⁵¹

383. Section 12 of the Coroners and Justice Act provided for the Secretary of State or the Chief Coroner to notify the Lord Advocate that a death should be investigated under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.²⁵²

²⁴⁵ Minute MOJ [junior official] to Prentice, 28 March 2008, ‘Coroners Service in Oxfordshire’.

²⁴⁶ House of Commons, *Official Report*, 4 November 2008, column 294W.

²⁴⁷ Minute MOD [junior official] to PS/Minister(AF) [MOD], 11 November 2008, ‘Fatal Accident Inquiries in Scotland’.

²⁴⁸ Letter Ainsworth to Prentice, 12 November 2008, ‘Inquiries into the Deaths of Scottish-based Service Personnel’.

²⁴⁹ House of Commons, *Official Report*, 3 February 2009, column 1111W.

²⁵⁰ Letter Ainsworth to MacAskill, 29 January 2009, [untitled].

²⁵¹ Minute Scotland Office [junior official] to Parliamentary Under Secretary of State [Scotland Office], 28 January 2009, ‘Fatal Accident Inquiries and overseas Service deaths’.

²⁵² Coroners and Justice Act 2009, Section 12(4) and (5).

384. The Act also amended the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, to provide for the Lord Advocate to investigate when such a notification had been received.²⁵³

Honouring the dead

Repatriation ceremonies

385. The MOD's policy on the repatriation of the dead was set out in a paper produced by Lt Gen Palmer on 14 March 2003:

“Repatriation to UK of the dead is to take place wherever possible and as soon as practicable.”²⁵⁴

386. Before Op TELIC, repatriations were conducted with very little or no formal ceremony.²⁵⁵

387. The MOD put in place a unique arrangement for the repatriation of Service Personnel who died during Op TELIC, known as Operation KEIR. The repatriation ceremony under Op KEIR was designed to “demonstrate the highest level of respect”, and included attendance by members of the Royal Family (or their representatives) and Ministers, military pall-bearers and a military band.

388. In his autobiography, General Sir Mike Jackson described attending a repatriation ceremony in his capacity as Chief of the General Staff:

“We gathered before the aircraft landed, and were seated on the edge of the apron outside the terminal building to watch the C-17 aircraft land and taxi into position, coming to a rest with the nose of the aircraft facing diagonally away from the mourners. Then the ramp was lowered. A bearer party of six soldiers in parade dress advanced and marched up the ramp to take the first coffin. As they came into view down the ramp carrying the coffin, a band began playing and everyone stood. We all saluted as the bearers marched past in slow time, carrying the coffin to the waiting hearse. This simple, but profoundly moving, ceremony was repeated for each coffin on board the aircraft.”²⁵⁶

389. Lt Gen Mans told the Inquiry that a repatriation ceremony could “help the bereaved family to start closure on the whole process of losing a loved one”.²⁵⁷

²⁵³ Coroners and Justice Act 2009, Section 50.

²⁵⁴ Paper Palmer, 14 March 2003, ‘UK Forces: Repatriation of the Dead’.

²⁵⁵ Minute DDSP Pol O&M to PSO/CDS, 17 March 2004, ‘Policy for Repatriation of Deceased Personnel from Overseas’.

²⁵⁶ Jackson M. *Soldier: The autobiography of General Sir Mike Jackson*, Bantam Press, 2007.

²⁵⁷ Public hearing, 19 July 2010, page 63.

390. In February 2004, Mr Ingram agreed that, following the end of major combat operations in Iraq, the MOD should “rationalise” the repatriation process.²⁵⁸ The MOD would adopt three levels of repatriation:

- for non-battle deaths, where repatriation would mirror the pre-Op TELIC model;
- for Service Personnel killed in action or who had died of their wounds, where repatriation would include a “degree of ceremony” including military pall-bearers; and
- for exceptional circumstances where it was appropriate to demonstrate the highest level of respect, where Op KEIR would be used. It would be for Mr Hoon to determine whether to invoke Op KEIR, taking into account factors including the circumstances surrounding the incident.

391. Lt Gen Palmer told the Inquiry that the issue of who should attend a repatriation ceremony quickly became “a big issue”:

“Everybody wanted to be there, to show support.

“I think what we realised early on was that this was going to be ongoing. Unfortunately, casualties were going to keep coming. We could not have everybody rushing to [RAF] Brize Norton, as it was then, [RAF] Lyneham, as it is now, every time there was a casualty. So we developed, I think, an extremely good policy, which I think has worked very well, about how repatriations are done.”²⁵⁹

392. Lt Gen Palmer added that, in planning and conducting repatriation ceremonies:

“... with Ministers and everybody in the MOD the absolute key thing was to try to be as responsive and sensitive to the families as we possibly could at this enormously difficult moment for them.”

393. In September 2007, a fourth level of repatriation was added, covering repatriations in the event of a mass fatality incident (defined as between 15 and 35 fatalities).²⁶⁰

394. In April 2009, the MOD amended its policy so that all deaths on operations (including non-battle deaths) received a formal repatriation ceremony, in the light of the difficulty in drawing a distinction between an individual killed by direct enemy fire and one killed in an accident in direct support of operations, and given public and familial expectations that individuals who died on operations should be honoured.²⁶¹

²⁵⁸ Minute DDSP Pol O&M to PSO/CDS, 17 March 2004, ‘Policy for Repatriation of Deceased Personnel from Overseas’.

²⁵⁹ Public hearing, 21 July 2010, page 40.

²⁶⁰ Minute Fancourt to various, 17 September 2007, ‘Policy for Repatriation of Deceased Personnel from Overseas’.

²⁶¹ Minute DCDS(Pers) to APS/SoS [MOD], 22 April 2009, ‘Policy for Repatriation from Operations’.

ROYAL WOOTTON BASSETT

395. From April 2007, due to essential repair work at RAF Brize Norton, ceremonial repatriations took place through RAF Lyneham in Wiltshire.

396. Corteges departing RAF Lyneham passed through Wootton Bassett. The Royal British Legion reported in June 2011 how the town had responded:

“The first [repatriation] was acknowledged by a few members of the public which included members of the Royal British Legion ...

“Over the past four years the number of people has increased and where we were once paying tribute on a more personal basis we have now come to represent the country.

“The repatriation tributes were never and are still not organised – things just happen, such as the Church Bell which started when a bell-ringing practise was taking place just before the repatriation was due, and as a mark of respect the one bell was tolled on that occasion.

...

“When the cortege is about to leave Lyneham, the police alert us here in Wootton Bassett. The Standard Bearers form an orderly line, spacing themselves at equal distances down the opposite side of the road to the War memorial ... When the cortege reaches the edge of town the bell-ringer is notified and the Church Bell starts to toll and the town falls silent. Shopkeepers close their premises and join the crowds and there is not a sound to be heard.”²⁶²

397. A military parade was held in Wootton Bassett in October 2008 to thank the town.²⁶³

398. In March 2011, Prime Minister David Cameron announced that The Queen had agreed “to confer the title ‘Royal’ upon the town, as an enduring symbol of the nation’s admiration and gratitude”.²⁶⁴

Letters of condolence

399. In July 2002, following a meeting with the parents of a deceased Serviceman, Mr Hoon asked the MOD to consider whether he or the Prime Minister should routinely write to the next of kin of Service Personnel killed on operations.²⁶⁵

²⁶² The Royal British Legion website, June 2011.

²⁶³ *Daily Express*, 13 October 2008, *Military pays tribute to respectful residents of Wootton Bassett*.

²⁶⁴ GOV.UK, 16 March 2011, *Prime Minister announces ‘Royal’ Wootton Bassett*.

²⁶⁵ Minute McLoughlin to APS/SofS [MOD], 17 September 2002, ‘Letters to next of kin (NOK)’.

400. Ms Elizabeth McLoughlin, the Director General of Service Personnel Policy, responded in September, having consulted the Chiefs of Staff.²⁶⁶ Existing practice was that, apart from letters written by those serving with the individual who had been killed, a senior officer would write one letter of condolence “on behalf of both the Sovereign and the Service”. While the Services appreciated the wish to provide additional comfort to the families of personnel killed on operations, they were concerned that:

- It would be very difficult for any letter, unless written locally by the unit commander, to be other than “bland and impersonal”. Experience had shown that it was not helpful for families to receive a large number of official condolence letters based on generic information.
- The Services (and the Chief of Defence Staff in particular) did not want to distinguish, for this purpose, between individuals killed on operations and those who died “as a result of the normal rigours of Service life”. They did not believe that the circumstances of a death made the next of kin any more or less deserving of sympathy.
- There was also a question of whether the next of kin of Reservists and MOD civilians should be included.
- In the event of mass casualties, writing to the next of kin might be difficult.

401. Ms McLoughlin concluded that the existing practice should continue, although the Prime Minister or the Secretary of State might in addition send a personal note in “exceptional cases where it is felt that families would benefit”. That would need to be assessed on a case-by-case basis.

402. In late March 2003, No.10 asked the MOD for advice on how Mr Blair should honour UK Service Personnel killed on Op TELIC, and especially whether he should write letters of condolence to the families of Service Personnel killed on operations and whether there should be a ceremony or function to commemorate deceased Service Personnel.²⁶⁷

403. Mr Hoon’s Private Office responded to Mr Blair’s Assistant Private Secretary on 27 March, advising that:

- the current policy (whereby a senior officer wrote a single letter of condolence) remained sound; and
- it would be appropriate for a ceremony to be held after the conflict had concluded.²⁶⁸

²⁶⁶ Minute McLoughlin to APS/SofS [MOD], 17 September 2002, ‘Letters to next of kin (NOK)’.

²⁶⁷ Minute Gibson to APS/Secretary of State, 27 March 2003, ‘Request from No.10: Letters for the Families of the Bereaved and Memorial Ceremony’.

²⁶⁸ Letter Williams to Cannon, 27 March 2003, ‘Recognition of Armed Forces Personnel who died on Operations’.

404. On 7 April, Mr Blair wrote to a bereaved spouse who had lost her husband on Op TELIC, to respond to her concerns about the way she was being treated by the MOD.²⁶⁹

405. On 9 May, in response to a further request for advice from No.10 on whether Mr Blair should write letters of condolence to the families of Service Personnel killed on operations, Mr Hoon's Private Office repeated the advice that the current policy (whereby a senior officer wrote a single letter of condolence) remained sound.²⁷⁰ Mr Hoon's Private Office added that the MOD was reviewing its policy on writing letters of condolence "in the light of the specific circumstances of the operation in Iraq", but was unlikely to change it.

406. Mr Hoon's Private Office advised No.10 on 16 May that the review had concluded that the MOD's policy should not change:

"... you [No.10] asked if our experience during operations in Iraq had caused us to alter our position ... It has not ... The Prime Minister wrote in exceptional circumstances and in response to correspondence."²⁷¹

407. The MOD looked again at the policy at the end of June, following a meeting between Mr Blair and General Sir Michael Walker, Chief of the Defence Staff, during which Mr Blair expressed a personal desire to write.²⁷²

408. Lt Gen Palmer advised Mr Hoon on 30 June that, while the Chiefs of Staff considered that the policy remained sound, given Mr Blair's desire to write and the fact that he was already corresponding with some families, their preferred option was that Mr Blair should write only to the next of kin of "those who die on Op TELIC".

409. Mr Hoon's Private Office wrote to No.10 later that day, to confirm that it "could be appropriate" for Mr Blair to write to the next of kin of those killed on Op TELIC (including civilians and those killed in circumstances other than in direct action with the enemy).²⁷³

410. On 1 August, Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, advised Mr Blair that the MOD had, again, reviewed its policy and that Mr Hoon would now write to the next of kin of individuals who had died "while in an operational area".²⁷⁴ Mr Rycroft recommended that Mr Blair should now write only to the next of kin of individuals who had been killed in action.

²⁶⁹ Letter Blair to [name redacted], 7 April 2003, [untitled].

²⁷⁰ Letter Williams to Cannon, 9 May 2003, 'Recognition of Armed Forces Personnel who Died on Operations'.

²⁷¹ Letter Williams to Cannon, 16 May 2003, 'Recognition of Armed Forces Personnel who Died on Operations'.

²⁷² Minute DCDS(Pers) to PS/SoS [MOD], 30 June 2003, 'Letters of condolence from Prime Minister to Bereaved Families of Service Personnel'.

²⁷³ Letter Williams to Cannon, 30 June 2003, 'Letters of Condolence from the Prime Minister to Bereaved Families of Service Personnel'.

²⁷⁴ Minute Rycroft to Blair, 1 August 2003, 'Letters of Condolence to Bereaved Families of Service Personnel'.

411. The policy was reflected in the first Joint Casualty and Compassionate Policy and Procedures (JSP 751), which was published in March 2005.²⁷⁵

Commemoration in Parliament

412. It has become established practice for the Prime Minister and Leader of the Opposition to pay tribute to fallen Service Personnel at the start of Prime Minister's Questions (PMQs). The Inquiry has considered the origins and evolution of this public commemoration.

413. The first time a Prime Minister offered condolences for the deaths of Service Personnel in Iraq at PMQs was 2 April 2003. On that day, Mr Blair said he was "sure that the whole House will want to pass on its sympathies to the families of British Servicemen who have tragically been killed in the service of their country in the past week. Again, we pay tribute to their courage and dignity and we pass on our condolences and sympathy to their families and their friends."²⁷⁶

414. The practice was repeated a week later, when Mr Blair offered condolences to the families of all those who had lost their lives in the intervening seven days.²⁷⁷

415. On 25 June, he paid tribute to (but did not name) the Royal Military Police (RMP) officers who had lost their lives and been injured at Majarr al Kabir the previous day.²⁷⁸

416. On 10 September, as Parliament returned from the summer recess, Mr Blair paid tribute to the British Servicemen who had lost their lives during the recess.²⁷⁹

417. On 5 November, Mr Blair paid tribute to Corporal Ian Plank of the Royal Marines who had lost his life the previous week.²⁸⁰ That was the first time a Service person had been mentioned by name. It is not clear why the decision was taken to name Corporal Plank.

418. Over the next two years, Mr Blair regularly paid tribute at the beginning of PMQs to British Servicemen who had lost their lives, but only from April 2006 did the practice of naming individuals and their regiments become usual.

419. In June 2007, during his last PMQs, Mr Blair described those tributes as "the saddest of duties".²⁸¹

420. The practice was continued by Mr Gordon Brown from July 2007.

²⁷⁵ Paper MOD, 11 July 2005, 'JSP 751: Joint Casualty and Compassionate Policy'.

²⁷⁶ House of Commons, *Official Report*, 2 April 2003, column 908.

²⁷⁷ House of Commons, *Official Report*, 9 April 2003, column 260.

²⁷⁸ House of Commons, *Official Report*, 25 June 2003, column 1039.

²⁷⁹ House of Commons, *Official Report*, 10 September 2003, column 319.

²⁸⁰ House of Commons, *Official Report*, 5 November 2003, column 788.

²⁸¹ House of Commons, *Official Report*, 27 June 2007, column 323.

Memorial services

421. In late March 2003, No.10 asked the MOD for advice on how Mr Blair should honour UK Service Personnel killed on Op TELIC, including whether there should be a ceremony or function to commemorate deceased Service Personnel.²⁸²

422. The MOD responded to No.10 on 27 March, advising that it would be appropriate for a ceremony to be held after the conflict concluded.²⁸³ The MOD intended that the ceremony “would give the Prime Minister and the Government the opportunity to honour the efforts of the Services, and their dead”.²⁸⁴

423. Mr Hoon informed Parliament on 17 July that there would be a “national service of remembrance and thanksgiving for the campaign in Iraq”.²⁸⁵

424. The service took place on 10 October 2003 at St Paul’s Cathedral.²⁸⁶ The service was attended by the families of the 51 British Service Personnel who had, at that time, lost their lives in the campaign. They were joined by members of the Royal Family including Her Majesty The Queen and His Royal Highness The Duke of Edinburgh, Government Ministers including Mr Blair, and senior military officers.

425. Baroness Symons, joint FCO/Department of Trade and Industry Minister of State for International Trade and Investment, wrote to Mr Hoon shortly after the service.²⁸⁷ She had spent her time speaking to bereaved families, and reported from those conversations that:

- There was a generally positive reaction to how they had been informed of their loss (although two families had heard through the media), and to the subsequent support from the VO.
- A number of families felt that they had been “ignored” in the design and conduct of the service.
- All families appreciated the presence of The Queen and the Royal Family at the service.

426. Mr Hoon’s Private Office wrote to Mr Rycroft on 14 November advising that feedback from families had been “overwhelmingly positive”.²⁸⁸ There had been a great

²⁸² Minute Gibson to APS/Secretary of State [MOD], 27 March 2003, ‘Request from No.10: letters for the families of the bereaved and memorial ceremony’.

²⁸³ Letter Williams to Cannon, 27 March 2003, ‘Recognition of Armed Forces personnel who died on operations’.

²⁸⁴ Minute MOD [junior official] to APS/Secretary of State [MOD], 27 March 2003, ‘Request from No.10: Letters for the families of the bereaved and memorial’.

²⁸⁵ House of Commons, *Official Report*, 17 July 2003, column 72WS.

²⁸⁶ *BBC News*, 10 October 2003, *Service honours Iraq war dead*.

²⁸⁷ Letter Symons to Hoon, 13 October 2003, ‘Service for Iraq: Friday October 10, 2003’.

²⁸⁸ Letter Davies to Rycroft, 14 November 2003, ‘Iraq: service of remembrance and reception 10 October – feedback’.

deal of praise for the “obvious effort made by the Royal Family and senior members of the Government and Armed Forces to speak with as many families as possible”.

Armed Forces Memorial

427. Mr Hoon advised the House of Commons in November 2000:

“I have given careful consideration to a number of ways in which the recognition of members of the Armed Forces who give their lives in the service of their country might be enhanced. In the light of discussion, I have concluded that the most appropriate would be the erection in central London of a memorial bearing the names of all those killed on duty and by terrorist attack since the end of the Second World War. In accordance with the long established custom for the erection of memorials, I would expect funds to be raised by public subscription. Further consultation will now take place with ex-Service organisations and other interested bodies.”²⁸⁹

428. Mr Hoon advised the House of Commons in March 2002 that, following that consultation and research into suitable sites, the Armed Forces Memorial (AFM) would be sited at the National Memorial Arboretum in Staffordshire.²⁹⁰

429. On 30 June 2006, following an assessment by officials that there was a significant risk that fundraising for the Memorial would not reach the total required, Mr Des Browne, the Defence Secretary, directed Mr Jeffrey that the MOD should underwrite the Memorial project “in the sum of £3.3m which represents the balance the AFM Trustees require to fully fund the project”.²⁹¹

430. In October 2007, the Armed Forces Memorial was formally dedicated in the presence of Her Majesty The Queen at the National Memorial Arboretum in Staffordshire.²⁹²

431. Ministers were advised in early 2008 that the total cost of the Memorial was expected to be £7.3m.²⁹³ The AFM Trustees had raised £6.7m, including £1.5m from the sale of Trafalgar Coins (announced by Mr Gordon Brown, the Chancellor of the Exchequer, in February 2006), £2.417m from the Millennium Commission (agreed in November 2006), with the balance from public subscriptions. There was no realistic prospect of significant further public contributions. Trustees had therefore asked the MOD to provide £500,000 to complete the project.

²⁸⁹ House of Commons, *Official Report*, 10 November 2000, column 413W.

²⁹⁰ House of Commons, *Official Report*, 20 March 2002, column 311W.

²⁹¹ Minute Jeffrey to Secretary of State [MOD], 29 June 2006, ‘Armed Forces Memorial’; Minute Secretary of State [MOD] to PUS [MOD], 30 June 2006, ‘Armed Forces Memorial’.

²⁹² Armed Forces Memorial website.

²⁹³ Email MOD [junior official] to Hardern, 15 May 2008, ‘SPB interest in AFM’.

432. AM Pocock told the Inquiry that the process of securing funding for the Memorial illustrated the difficulty of translating intent into action:

“Although the political intent was perfectly clear, we were also told there was going to be no public money for it. We were hoping to get some money from the Lottery. We did eventually, after some strong support from newspapers caused the Lottery to change the rules.

...

“We had the designs, it was in The Queen’s diary to come and open it. We actually had to let the contract but we didn’t have the money, and it wasn’t from lack of effort ... I remember going round embassies with a begging bowl and all sorts of things, but the money just wasn’t forthcoming.

“The difficulty we had in getting the guarantee from the department [the MOD] was immense. We eventually did. We were able to build it.”²⁹⁴

433. Both AM Pocock and VAdm Wilkinson felt that the Memorial provided a strong focus for remembrance. VAdm Wilkinson told the Inquiry:

“The focus for recognition and remembrance that it [the Memorial] has provided and the source of comfort to a number of bereaved families, it really is quite remarkable, perhaps, that, as a nation, we didn’t have one before 2007.”²⁹⁵

434. The Memorial also provides a home for the Basra Memorial Wall. The wall was originally built in 2006 outside the headquarters of Multi-National Division (South East) in Basra by members of 37 Armoured Engineer Squadron to commemorate those who died in or as a result of action in Iraq.²⁹⁶

435. PJHQ advised Mr Browne’s Office in June 2007 that its “current intent” was to move the Basra Memorial Wall (which comprised a collection of memorial plaques from the various bases that UK forces had occupied) to the National Memorial Arboretum when UK forces left Basra.²⁹⁷

436. The Memorial Wall was brought to the UK in April 2009, and was re-dedicated in March 2010.²⁹⁸

²⁹⁴ Public hearing, 19 July 2010, pages 59-60.

²⁹⁵ Public hearing, 19 July 2010, page 61.

²⁹⁶ British Army website, 11 March 2010, *Basra Memorial Wall rededicated in moving service at its new home*.

²⁹⁷ Minute Green to APS/Secretary of State [MOD], 29 June 2007, ‘Request from Families of Dead Service Personnel to Visit Basra’.

²⁹⁸ *BBC News*, 11 March 2010, *Service to rededicate Basra Memorial Wall*.

The Elizabeth Cross

437. On 10 June 2008, Mr Browne announced the inauguration of a new award.²⁹⁹

438. The award itself had been proposed by the Chiefs of Staff, who concluded that the time was right to recognise the “families of those personnel who die on operations, or as a result of terrorist action whilst on duty”. Mr Browne confirmed that the recommendation had been welcomed by Ministers and approved by Her Majesty The Queen. Paying tribute to the bravery and courage shown by the families of all serving personnel, he hoped that the new award would “provide a more visible form of recognition from the nation for those who pay the ultimate sacrifice in the name of their country”.

439. VAdm Wilkinson told the Inquiry that there was “unanimity” among the Chiefs of Staff “that it was appropriate to recognise the sacrifice that bereaved families had made”.³⁰⁰ The proposal reflected consultation with serving personnel and with bereaved families, as well as consideration of what other nations do to recognise the sacrifice that Service families make.

440. Mr Ainsworth, Mr Browne’s successor as Defence Secretary, set out further detail about the award and the circumstances in which it would be given in July 2009.³⁰¹ He confirmed that The Queen had agreed that the award should be known as the Elizabeth Cross, the first new honour to take the name of a serving monarch since the creation of the George Cross in 1940.

441. It would commemorate the lives of those who had died on operations or as a result of terrorism from 1948 onwards (or from 1945 in the case of service in Palestine), in order to fit with the end of the period in which deaths are officially attributed to service in World War II. He reminded Parliament that “this is not a posthumous medal for the fallen but national recognition for the family for their loss”. The award would consist of the Elizabeth Cross itself – awarded to the named next of kin – and a Memorial Scroll, copies of which could be presented to certain additional members of the deceased’s close family. Both the Cross and the Scroll would be awarded on application, as contact details for the several thousand eligible families were unlikely to be up to date.

442. The first presentation of the Elizabeth Cross, made by The Queen, took place in Catterick Garrison, North Yorkshire, on 12 September 2009.³⁰² Those receiving the awards included five families of soldiers killed in Iraq.

443. The Inquiry’s conclusions and lessons on the preparations made for repatriating the bodies of those who lost their lives serving on Operation TELIC, how their deaths were investigated, and the support provided for bereaved families are set out in Section 16.4.

²⁹⁹ House of Commons, *Official Report*, 10 June 2008, column 10WS.

³⁰⁰ Public hearing, 19 July 2010, pages 58-59.

³⁰¹ House of Commons, *Official Report*, 1 July 2009, columns 18-21WS.

³⁰² *BBC News*, 12 September 2009, *Queen honours regiment’s fallen*.

SECTION 16.4

CONCLUSIONS: SERVICE PERSONNEL

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Introduction and key findings

1. This Section addresses analysis and findings in relation to the evidence set out in Sections 16.1 to 16.3, including:

- the pressures on Service Personnel, and the welfare support provided to them and their families;
- the arrangements for providing medical care to Service Personnel; and
- the arrangements for investigating the deaths of Service Personnel who lost their lives on Operation TELIC and the support provided for bereaved families.

2. The provision of military equipment is addressed in Sections 6.3 and 14.

Key findings

- In 2002, the UK military was already operating at, and in some cases beyond, the limits of the guidelines agreed in the 1998 *Strategic Defence Review*. As a result, the Harmony Guidelines were being breached for some units and specialist trades.
- The Government's decision to contribute a military force to a US-led invasion of Iraq inevitably increased the risk that more Service Personnel would be put in breach of the Harmony Guidelines. The issue of the potential pressure on Service Personnel was not a consideration in the decision.
- The MOD planned and prepared effectively to provide medical care in support of Operation TELIC.
- There were major improvements in the provision of medical care, mental healthcare and rehabilitative care available to Service Personnel over the course of Op TELIC.
- Most of the contacts between the MOD and bereaved families were conducted with sensitivity. In a few cases, they were not. The MOD progressively improved how it engaged with and supported bereaved families, in part driven by consistent public and Ministerial pressure.
- The Government's decision in 2006 to deploy a second medium scale force to Helmand province in Afghanistan further increased the pressure on Service Personnel, on elements of the MOD's welfare, medical and investigative systems, and on the coronial system.
- Much of the MOD's and the Government's effort from 2006 was focused on addressing those pressures.
- The MOD should have planned and prepared to address those pressures, rather than react to them.
- The Government should have acted sooner to address the backlog of inquests into the deaths of Service Personnel. The support it did provide, in June 2006, cleared the backlog.
- The MOD made a number of improvements to the Board of Inquiry process, but some proposals for more substantive reform (including the introduction of an independent member) were not fully explored. The MOD significantly improved the way it communicated with and supported bereaved families in relation to military investigations and inquests.

- The MOD was less effective at providing support to Service Personnel who were mobilised individually (a category which included almost all Reservists) and their families, than to formed units.

The pressure on Service Personnel

3. In 2002, the UK military was already operating at, and in some cases beyond, the limits of the guidelines agreed in the 1998 *Strategic Defence Review*. As a result, the Services' Harmony Guidelines (which defined how much time a member of a particular Service should spend away from home and the period between tours) were being breached for some units and specialist trades.

4. The Government's decision to contribute a military force to a US-led invasion of Iraq inevitably increased the risk that the Harmony Guidelines would be breached.

5. There are no indications that the potential pressure on Service Personnel was a consideration in the Government's decision to contribute a military force, and in particular a large scale land force (a division), to a US-led invasion of Iraq.

6. The Inquiry concludes in Section 9.8 that, throughout 2004 and 2005, it appears that senior members of the Armed Forces reached the view that there was little more that would be achieved in southern Iraq and that it would make more sense to concentrate UK military effort on Afghanistan where it might have greater effect.

7. In July 2005, Ministers agreed in principle proposals presented by Dr John Reid, the Defence Secretary, both for the transfer to Iraqi control of the four provinces in southern Iraq for which the UK had security responsibility, and for the redeployment of the UK effort in Afghanistan from the north to Helmand province in the south (see Section 9.4). The proposals were based on high-risk assumptions about the capability of the Iraqi Security Forces to take the lead for security.

8. In January 2006, Cabinet approved the deployment of a UK military force to Helmand.

9. The MOD's formal advice to Dr Reid was that this deployment was "achievable without serious damage to Harmony", although certain units and specialists would be "placed under increased, but manageable, stress".¹

10. There were different views within the MOD over the effect of the deployment on personnel. Lieutenant General Anthony Palmer, Deputy Chief of the Defence Staff (Personnel) from 2002 to August 2005, told the Inquiry that, as he left post, he expressed his concern that deploying two brigades simultaneously (to Iraq and

¹ Minute Hutton to APS/SofS [MOD], 17 January 2006, 'Afghanistan Deployments'.

Afghanistan) would breach the Harmony Guidelines and the Defence Planning Assumptions, and was “too big a risk”.²

11. Sir Kevin Tebbit, MOD Permanent Under Secretary from 2001 to 2005, told the Inquiry:

“I was apprehensive [about the deployment of UK forces to Helmand] and I made my concerns known to my planning staff and to the Chiefs of Staff. I think their view was that they could do it and it was manageable ... since it was [the Chiefs of Staff] who would actually have to ensure they could do this, I did not press my objections fully.”³

12. The impact of the decision on the availability of key equipment capabilities for Iraq is addressed in Section 14.1.

13. The force began to deploy to Helmand in May 2006.

14. At the end of August, General Sir Richard Dannatt, Chief of the General Staff, advised Mr Des Browne, the newly appointed Defence Secretary, that “as an Army, we are running hot”.⁴ With operational deployments well above the levels set out in the 1998 *Strategic Defence Review* and the MOD’s own Harmony Guidelines, the Army’s demands on soldiers were greater than its ability to look after them.

15. Gen Dannatt told the Inquiry that the military covenant had “fallen out of balance ... as a consequence of decisions taken to stay in Iraq until we had successfully completed our operations there, but also take on Afghanistan as well”.⁵

16. The MOD’s assessment that the Helmand deployment was achievable without causing a substantial number of personnel to breach the Harmony Guidelines reflected overly optimistic assumptions about the intensity and duration of operations in Iraq and Afghanistan.

17. The twin deployments challenged the planning assumption agreed in the 1998 *Strategic Defence Review* that the UK should be able to undertake two medium scale deployments simultaneously but would not expect both to involve war-fighting or to be maintained simultaneously for longer than six months.

18. It would only have been possible to manage the established Iraq commitment and the new Helmand commitment, without significantly increasing the pressure on Service Personnel, if the former was wound down on schedule and the latter was contained. In the event, it proved difficult to withdraw from Iraq as quickly as hoped while Helmand developed into a more substantial combat operation than originally envisaged, pushing up force levels.

² Public hearing, 21 July 2010, page 80.

³ Public hearing, 3 February 2010, pages 15 and 16.

⁴ Letter Dannatt to Browne, 31 August 2006, [untitled].

⁵ Public hearing, 28 July 2010, page 98.

19. In addition to increasing the pressure on Service Personnel, the decision to deploy a second medium scale force increased the pressure on the MOD's medical, welfare and investigative systems, and in particular on:

- the air bridge between Iraq and the UK;
- Selly Oak hospital;
- Headley Court and other rehabilitation facilities; and
- the Army's capacity to investigate fatalities and support bereaved families.

20. It also increased the pressure on the coronial system.

21. From 2006, the efforts of the MOD and the Government would increasingly be focused on addressing those pressures.

22. The MOD should have been aware of the potential impacts on its medical, welfare and investigative systems, and made the necessary contingency plans to increase their capacity.

Medical care

23. Op TELIC was the first major military operation after the closure of the military hospitals in the 1990s and therefore the first test of the new medical arrangements. Under the new arrangements, many medical Service Personnel (including a large number of Reservists) were deployed from NHS Trusts for operations in Iraq and Afghanistan, and military casualties were treated in NHS Trusts.

Planning and preparation

24. In early September 2002, the MOD estimated that between 31 and 48 Service Personnel would be killed in action during the initial combat phase of operations of an attack on Iraq, and that between 157 and 241 Service Personnel would be admitted to Role 3 hospitals⁶ (figures exclude possible casualties from chemical and biological warfare). The MOD regularly updated its casualty estimates as the military plan developed. The estimates did not consider casualties beyond the initial combat phase of operations.

25. The Chiefs of Staff concluded on 5 February 2003 that a Casualty Estimate paper including estimated casualty figures, which had been produced by the MOD, would need to be shown to Ministers before any decision to commit UK troops was made.

26. In response to a question from Mr Blair on the possible number of casualties arising from an attack on Iraq, the MOD advised No.10 on 24 February that there would be between 30 and 60 British and between 500 and 1,200 Iraqi "land battle" fatalities.⁷

⁶ Role 3 (Echelon 3) medical support is generally provided at field hospitals and on hospital ships.

⁷ Letter Watkins to Rycroft, 24 February 2003, 'Iraq: Political and Military Questions'.

27. Lord Boyce, Chief of the Defence Staff from 2001 to April 2003, told the Inquiry that Ministers would have been informed of the MOD's casualty estimates, as part of the routine briefing process.

28. Although the Inquiry has seen no evidence that the Casualty Estimate paper was shown to Ministers, it accepts that Ministers were informed of the MOD's casualty estimates.

29. The MOD established an effective medical capability in theatre to support Op TELIC by 14 March 2003.

30. By 1 May, when President Bush declared that major combat operations in Iraq had ended, 33 British Service Personnel had died serving on Op TELIC and 81 had been admitted to Role 3 hospitals.

31. Casualties would have been much higher if chemical and biological weapons had been used.

32. The MOD planned and prepared effectively to provide medical care in support of Op TELIC. Although some of the medical equipment and supplies procured by the MOD arrived in theatre shortly after military operations began, there are no indications that the quality of clinical care was compromised.

Improvements in the provision of care

33. There were a number of significant improvements to the care provided to Service Personnel over the course of Op TELIC.

34. From June 2006, the MOD, working closely with a number of charities, progressively enhanced the rehabilitation facilities at Headley Court.

35. In August 2006, following visits by MOD Ministers and senior military officers to injured Service Personnel recovering on civilian wards, the MOD began planning to establish a Military Managed Ward (MMW) at Selly Oak hospital. The MOD assessed that, while the quality of clinical care at Selly Oak was excellent, injured Service Personnel would recover better in what Lieutenant General Louis Lillywhite, the Surgeon General from 2006 to 2009, described as a "military bubble".⁸

36. The MMW was established in December 2006 and was fully staffed by July 2007.

37. In his evidence to the Inquiry, Lt Gen Lillywhite highlighted the advances during Op TELIC in the military's understanding of how to save life at the point of injury, how to sustain the quality of life of seriously injured individuals into the long term, and pain management.

⁸ Public hearing, 20 July 2010, pages 33-34.

- 38.** The advances in the provision of medical care during Op TELIC meant that more individuals with very serious and complex injuries survived.
- 39.** A number of injured veterans shared with the Inquiry their concern that they might not continue to receive the same quality of care over the long term, and in particular when they left the military.
- 40.** Lt Gen Lillywhite told the Inquiry that, in recognition of their service and on clinical grounds, individuals with very serious injuries should be treated by the Government as a group with specific clinical needs, to enable specialist care to be arranged and provided more consistently.
- 41.** The Government will need to consider how to address the issue of providing whole-life care to individuals with very serious injuries.
- 42.** There were also significant advances in the provision of mental healthcare.
- 43.** In April 2003, the MOD commissioned a large-scale, long-term programme of research on the physical and psychological health of personnel deployed on Op TELIC. The findings of that programme identified a number of important mental health issues and informed the MOD's response to them.
- 44.** The Inquiry recommends that the MOD commissions similar studies for future major operational deployments. In addition to the direct benefits for Service Personnel and the MOD, mental health is an area of significant public concern. It is important that the MOD is able to demonstrate that the effects of deployments are properly monitored and managed.
- 45.** The major developments in the provision of mental healthcare over the period covered by the Inquiry were:
- There was increased use of a period of decompression at the end of an operational tour, as part of post-operational stress management.
 - In November 2006, in response to the findings of the King's Centre study that a number of Reservists were experiencing increased mental health effects as a result of deployment, the MOD launched the Reserves Mental Health Programme (RMHP). The RMHP provided enhanced mental healthcare to current and former Reservists who had been demobilised since 1 January 2003 following deployment on an overseas operation.
 - In November 2007, the MOD launched six community NHS mental health pilot programmes to provide mental health assessment and treatment for veterans. The programmes were led by a mental health therapist with an understanding of the issues faced by veterans.
 - In 2008, the MOD rolled out Trauma Risk Management (TRiM) in all three Services. TRiM is a form of debriefing after a traumatic event, undertaken in peer groups rather than with an external counsellor.

Investigations into the deaths of Service Personnel

46. Investigations by the MOD and coroners into the deaths of Service Personnel serving on Op TELIC could be very slow, and in one case lasted for more than four years.

47. The Inquiry considered how the three major elements of the investigative process – Service Police investigations, Boards of Inquiry (BOIs), and inquests – changed after 2003.

Service Police investigations

48. The earliest concerns about the military's investigative process emerged in September 2003. Mr Adam Ingram, Minister of State for the Armed Forces, expressed his concern that the next of kin of deceased Service Personnel increasingly perceived that the MOD's investigations lacked focus and were too slow, and that the MOD did not keep them informed of progress.

49. The following month, Lt Gen Palmer advised that the Army's Royal Military Police (RMP) was "swamped" with the volume of work in Iraq.⁹ The major challenge was the difficult working environment, including the need for force protection for Service Police and a potentially hostile population. The Army's policy of holding investigations into all fatalities added to the pressure on the RMP.

50. Reviews of Service Police investigations in October 2004 and April 2005 found that there were still delays in Service Police investigations, but did not recommend any substantial changes to the investigative process. The October 2004 review concluded that investigations could be complex and "speed must not be at the expense of quality".¹⁰

Boards of Inquiry

51. The purpose of a military BOI was to establish the facts about an event and to make recommendations to prevent a recurrence.

52. In response to Mr Ingram's concern over the MOD's investigative process, the MOD had, by June 2004:

- shortened the time allowed for completing BOIs to 14 weeks;
- strengthened the role of the BOI President;
- introduced measures to improve the management of BOIs by each Service; and
- introduced a series of measures to improve communications with bereaved families on progress with the entire Service Police investigation and BOI process.

⁹ Minute Palmer to VCDS, 17 October 2003, 'TELIC Incidents: Investigations'.

¹⁰ Report Loudon, 12 October 2004, 'Review of Service Police Investigations on Operations'.

53. MOD Ministers remained closely engaged. From June 2004, Mr Geoff Hoon, the Defence Secretary, received regular briefings on progress on BOIs and the reasons for any delays.

54. The possibility of adding an independent member to a BOI was raised by Mr Hoon in June 2004 and by Mr Browne in December 2007. On neither occasion was the idea considered seriously by the MOD.

55. The Inquiry recommends that the MOD consider whether an independent member should sit on BOIs, in particular in order to assure families that the process is as rigorous and transparent as possible.

56. The MOD, and in particular the Army (through the work of the Army Inquiries and Aftercare Support Cell and Army Inquest Cell), continued to improve the management of the Service Police investigation and BOI processes, the support provided for bereaved families, and the support provided for coroners. The Army Inquest Cell provided the model for the tri-Service Defence Inquests Unit, which was established in May 2008.

57. By early 2008, the Army had appointed permanent Presidents to lead high-profile Army BOIs, and the Royal Navy and Royal Air Force had taken steps to establish pools of expertise from which Presidents could be selected.

58. The Inquiry recommends that the MOD consider providing BOI Presidents with access to expert advisers on process and standards, who would play a role analogous to Court Clerks, in order to help establish consistency and best practice.

THE CONCERNS OF BEREAVED FAMILIES

59. A number of families shared with the Inquiry their concerns over the MOD's process for investigating fatalities. The concerns were:

- Military investigations were not sufficiently rigorous, in particular in relation to incidents where there were suspicions of friendly fire or equipment failure.
- No action appeared to be taken against individuals as a result of military investigations (this concern also applied to inquests).
- Material had been redacted from the version of the BOI report that families received, which made the content harder to understand. Some family members thought that text had been redacted to protect individuals criticised in reports or to hide failings by the MOD.

60. The Inquiry reviewed 25 percent of BOI investigations into Op TELIC fatalities, including those that attracted the most controversy. The Inquiry also reviewed the 15 BOI reports into Op TELIC fatalities that are in the public domain.

61. The BOI reports reviewed by the Inquiry were not consistent in approach or quality. Areas of particular variance were:

- the extent to which the reports considered what happened to the individual(s) who died (as well as the wider incident in which it happened); and
- the extent to which the reports recorded and addressed the concerns of the deceased's family and next of kin.

62. The Inquiry does not believe that any of the BOI reports it reviewed were deliberately produced in such a way as to protect the MOD. In at least two cases, the BOI revealed that an incident might have been caused by friendly fire when the earlier Service Police investigation had concluded otherwise.

63. However, some practices apparent in the BOI reports reviewed by the Inquiry could create a mistaken impression of a "cover-up". They were:

- interview transcripts which switch between on and off the record;
- the difficulty in taking evidence, for example from Iraqi witnesses;
- restrictions on using US material;
- the use of defensive or euphemistic language, which can give the impression that serious failings are being dismissed; and
- heavy redaction.

64. A recurring theme raised by families with the Inquiry was frustration at being denied visibility of action taken against those who were shown to have done something wrong (for example, where an individual had not provided truthful evidence to a BOI) or who a family believed to have been in some way negligent.

65. A BOI is not intended to apportion blame. The MOD defended that position, on the basis that it was the best way to ensure maximum disclosure and, therefore, the best chance to prevent a recurrence of the incident.

66. That position is not unique to BOIs. The right not to incriminate oneself is common to other investigative processes (such as inquests) where the main objective is to establish the facts of a case.

67. Very few of the BOI reports considered by the Inquiry led to disciplinary measures.

68. In order to respond to the concerns regarding the redaction of material from BOI reports, the Inquiry reviewed a sample of BOI reports relating to Op TELIC, comparing the full and redacted versions. The Inquiry considered whether the substance justified redaction, and how the redaction was made.

69. The Inquiry concludes that:

- There were no indications that information was redacted by the MOD in order to cover up wrong-doing, either by individuals or the MOD.

- The use of redaction was not consistent between BOIs.
- Not all redactions were justified. In some cases, whole passages were redacted when only a few details were sensitive. In others, material had been redacted when it was already in the public domain (for example, the name of a Commanding Officer or pathologist).
- In many cases, no attempt was made to explain the nature of the redacted material to the reader.
- There were some improvements in practice during the course of Op TELIC. In general, the most recent BOI reports contained fewer redactions and were easier to follow.

70. The Inquiry recognises that some redactions will be required in almost all such reports but recommends that the MOD take steps to ensure consistency of practice, in line with the Information Commissioner's guidance.¹¹ Good practice seen by the Inquiry includes:

- including a clear statement of redaction policy at the start of a document;
- providing a short overarching description of events described in text which has been redacted;
- adding a description which tells the reader the nature of the text has been redacted (for example, 'Personal medical information');
- assigning each individual a unique number or other cipher and attaching a description of their role to it; and
- leaving in ranks where names are redacted, so that command relationships are clear.

71. Many of the concerns shared by families in relation to the rigour of the BOI process and its transparency could be addressed by adding an independent member to a BOI.

Inquests

72. From January 2003, the MOD and the Home Office (the department then responsible for coronial policy) worked with Mr Nicholas Gardiner, the Coroner for Oxfordshire, to refine the arrangements for receiving UK military fatalities from Iraq. The majority of fatalities were expected to be repatriated to RAF Brize Norton, which fell within his area of responsibility.

73. During those initial exchanges, Home Office officials highlighted a number of issues that would later become problematic: the need for Mr Gardiner's office to secure additional resources (from Oxfordshire County Council) to cover the cases it was taking

¹¹ Information Commissioner's Office, *Anonymisation: Managing Data Protection Risk Code of Practice*, November 2012.

on; the desirability of transferring cases to coroners who were local to the families of the deceased; and how to handle cases where the deceased was based in Scotland.

74. The day before the beginning of military operations against Iraq, Mr Gardiner wrote to Home Office officials:

“There are a few matters outstanding but, generally, I think we are reasonably well prepared, although there are bound to be things we have not thought of.”¹²

75. There are no indications that the Government put in place any contingency plans to support Mr Gardiner’s office, or that the Government maintained contact with Mr Gardiner’s office after those initial exchanges.

76. The Inquiry recommends that for any future major operational deployment, the Chief Coroner, the department responsible for coronial policy (currently the Ministry of Justice) and the MOD should develop contingency plans to increase the capacity of the coronial system to handle fatalities. Those plans should include the identification of funding in the event that it becomes necessary to increase the capacity of the coronial system.

77. In May 2006, in response to growing concern over delays in holding inquests into the deaths of Service Personnel, Ms Harriet Harman, Minister of State for the Department for Constitutional Affairs (DCA), was charged with resolving the problem.

78. By early June, Ms Harman had brokered an agreement with the MOD to provide a substantial package of support to Mr Gardiner’s office, including the recruitment of three Assistant Deputy Coroners.

79. Although the package was announced in Parliament in June 2006, discussions continued between the DCA, the MOD and the Treasury until February 2007 on how much the MOD would contribute. The discussions concluded with the DCA reluctantly accepting the MOD’s initial offer of £125,000.

80. While the discussions did not delay the provision of support to Mr Gardiner’s office (as the DCA bore the costs as they were incurred), a disproportionate amount of senior officials’ and Ministers’ time was consumed in inter-departmental wrangling over a relatively small amount of money.

81. The additional resources provided in June 2006 allowed Mr Gardiner’s office to clear the existing backlog of inquests by October 2007, much sooner than it would otherwise have done.

82. From July 2006, the Government pursued a number of initiatives to make the inquest process more responsive to the needs of the families of deceased Service Personnel. The Inquiry commends Ms Harman’s efforts in pursuing those initiatives.

¹² Letter Gardiner to Home Office [junior official], 18 March 2003, [untitled].

83. Between July 2006 and February 2007, Ms Harman pressed the US Government, through the US Embassy London, to provide classified US material and US representatives to support inquests into the deaths of UK Service Personnel. The US declined to provide that support.

84. Following a meeting with the families of Service Personnel killed on Op TELIC in December 2006 and representations in Parliament, including from Mr Roger Gale, Ms Harman explored the possibility of providing legal representation at inquests for the families of Service Personnel, in particular at inquests where the MOD chose to have legal representation.

85. The Government did not provide that support. In 2009, the Government agreed an amendment to the Coroners and Justice Bill to provide legal representation at inquests into the death of British Service Personnel on active service. However, that provision was not brought into force and was subsequently repealed.

86. From June 2007, MOD Ministers pressed the Scottish Executive to make provision for Fatal Accident Inquiries to be held into the deaths overseas of Service Personnel normally domiciled in Scotland.

87. The Government made provision for such Inquiries in the 2009 Coroners and Justice Act.

Delays in military investigations and civilian inquests

It could take several years for the MOD and the coronial system to conclude investigations into the deaths of Service Personnel.

The Inquiry considered why the investigative process should take so long. The four main factors were:

- the difficulty of conducting Service Police investigations in a hostile environment, which was exacerbated by a lack of qualified military investigators; the MOD set no deadlines for the conclusion of Service Police investigations;
- the Army's policy, at the beginning of Op TELIC, to hold an investigation into all deaths, and only to launch a BOI after the investigation had concluded; this policy changed in 2004;
- the time taken to complete BOIs, and in particular to receive comments from senior officers and advisers on draft BOI reports; and
- the backlog of inquests which built up in the Oxfordshire Coroner's office.

Support for bereaved families

88. Most of the contacts between the MOD and bereaved families were conducted with sensitivity. In a few cases, they were not.

89. In April 2003, prompted by concern over the insensitive treatment of a bereaved spouse, and at the direction of Mr Hoon, the MOD initiated a comprehensive review of bereavement procedures. By the middle of May, it had introduced new guidelines for communicating with bereaved families, begun work to make the guidance on the support available to bereaved families more accessible, and amended its policy to allow bereaved spouses to remain in Service accommodation for as long as they required it.

90. Mr Ingram attributed the MOD's failings at the beginning of Op TELIC to a continuing view within the military that bereavement was "just something that happened".¹³ Mr Ingram added that, in the context of "a big sea change" in public attitudes and the experience of Op TELIC, the MOD moved quickly to improve the bereavement and welfare support it provided to families.

91. The creation, in 2005, of the Joint Casualty Co-ordination Cell (JCCC) and the production of a joint policy covering the support for bereaved families reduced the inconsistency between the Services and individual units in the support they offered to bereaved families.

92. The experiences shared with the Inquiry by bereaved families suggest that the creation of the JCCC led to an improvement in the quality of the notification process.

93. Being a Casualty Notifying Officer (CNOs) and a Visiting Officer (VOs) was (and remains) an extremely difficult role: a small number fell below the standard required. The training and support provided to CNOs and VOs remained an issue of concern for the MOD throughout the period covered by the Inquiry.

Support for Service Personnel and their families

94. The MOD progressively improved the allowances and support provided to Service Personnel and their families over the course of Op TELIC.

95. The most substantial development was the introduction of the Operational Allowance in October 2006. The Allowance, initially set at £2,400 for all Service Personnel who completed a six-month tour in Iraq, Afghanistan, the Balkans or on certain other operations, was designed "to reflect the current, high operational tempo".¹⁴

¹³ Public hearing, 16 July 2010, pages 36-42.

¹⁴ Letter PS/Secretary of State [MOD] to Phillipson, 9 October 2006, 'A Package for Service Personnel on Operations'.

The Operational Welfare Package

96. The Inquiry heard mixed reports about the Operational Welfare Package (OWP) from families and veterans of Op TELIC. Limited access to telephones early in the campaign and the fragility of the air bridge between Iraq and the UK – which reduced the time available for rest and recuperation – were particular sources of frustration.

97. While these were undoubtedly real frustrations, the Inquiry considers that the MOD delivered most elements of the OWP as quickly as could reasonably have been expected. A key challenge, recognised by the MOD, was managing and meeting rising expectations.

Support for Reservists

98. Over 5,000 Reservists were mobilised for Op TELIC 1 (comprising some 12 percent of total UK forces). Lt Gen Palmer told the Inquiry that Reservists “performed magnificently during the operation, and we simply could not have done without them”.¹⁵

99. The MOD’s policy was that deployed Reservists, and their families, should receive the same welfare support as Regular Service Personnel.

100. The MOD found it difficult to provide support to the families of deployed Reservists. It was the responsibility of the unit to which a Reservist was attached to provide that support, but the families of Reservists were often spread across the country, some distance from that unit. A Reservist’s family might have had little or no previous contact with the unit to which the Reservist was attached, and find it difficult to access the support that was available.

101. The MOD introduced a number of measures to improve the support provided to Reservists in theatre and in the UK. It also sought to ensure that Reservists benefited from new initiatives, such as decompression, alongside their Regular colleagues.

¹⁵ Public hearing, 21 July 2010, pages 84-85.

SECTION 17

CIVILIAN CASUALTIES

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Introduction and key findings

1. This section addresses:

- the statements issued by the Government before the conflict on the human rights abuses committed by Saddam Hussein's regime and the human cost of not intervening in Iraq;
- the assessments made by the Government before and during initial combat operations of the number of Iraqi civilian casualties;
- reports of the number of Iraqi civilian casualties during initial combat operations; and
- how the Government responded to demands that it should count the number of Iraqi casualties attributable to the conflict, and to estimates of the number of casualties.

2. As this Section shows, there have been a number of studies to determine the civilian death toll in Iraq after the Coalition invasion. The numbers vary considerably. What is not in doubt is that, in both the military operation to overthrow the Iraqi regime and the subsequent violence, many tens of thousands of Iraqi citizens, most of them civilians, lost their lives. Many more were displaced or injured, or lost members of their families.

3. It is beyond the scope and abilities of this Inquiry to establish independently the number of fatalities caused by conflict in Iraq, or the broader human cost of the conflict to the Iraqi people. The Inquiry is, however, very conscious of the extent of the suffering in Iraq resulting from the conflict and this has informed its approach to its analysis of the course of the conflict and to drawing lessons for the future.

Key findings

- The Inquiry considers that a Government has a responsibility to make every reasonable effort to understand the likely and actual effects of its military actions on civilians.
- In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. The MOD's responses offered reassurance based on the tight targeting procedures governing the air campaign.
- The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.
- With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. More time was devoted to the question of which department should have responsibility for the issue of civilian casualties than it was to efforts to determine the actual number.
- The Government's consideration of the issue of Iraqi civilian casualties was driven by its concern to rebut accusations that coalition forces were responsible for the deaths of large numbers of civilians, and to sustain domestic support for operations in Iraq.

4. The Inquiry received a number of substantive submissions relating to the human cost of the conflict in Iraq, including from:

- Mr Hamit Dardagan and Professor John Sloboda for the Iraq Body Count (IBC) project.¹ The IBC project aims to record the violent civilian deaths that have resulted from the 2003 military intervention in Iraq. In its submission to the Inquiry, IBC argued that the Inquiry should take full and proper account of Iraqi casualties resulting from the conflict and the subsequent breakdown in security. It continued: “One of the most important questions in situations of armed conflict and in the laws of war is whether the use of force has been a proportionate response to the threat that prompted it ... It is impossible to establish the wisdom of actions taken ... if the full consequences in human welfare are not taken into account. Casualty data are perhaps the most glaring indication of the full costs of war.”
- Action on Armed Violence (AOAV).² AOAV is a non-governmental organisation (NGO) which aims to reduce the incidence and impact of global armed violence. In its submission to the Inquiry, AOAV argued that the UK Government actively sought to maintain a position of ignorance regarding measurements of death, injury and deprivation resulting from violence in Iraq. It proposed that the UK Government should establish a structured process to undertake transparent measurement and monitoring of the impact of armed violence where its Armed Forces are active.

5. The Inquiry is grateful for these, and other, submissions, and has taken account of them in preparing its Report.

Consideration of Iraqi civilian casualties before the conflict

Statements on the human cost of not intervening in Iraq

6. The UK Government dossier *Iraq's Weapons of Mass Destruction. The Assessment of the British Government* was published on 24 September 2002.³ The dossier is considered in detail in Section 4.2.

7. Eight of the dossier's 50 pages considered life in Iraq under Saddam Hussein, describing his security apparatus, internal repression, external wars and abuse of human rights.

8. The dossier's Executive Summary indicated the purpose of that material:

“But the threat from Iraq does not depend solely on the [Weapons of Mass Destruction – WMD] capabilities we have described. It arises also because of the

¹ Dardagan and Sloboda, 26 August 2006, *Iraqi casualties must form part of Britain's Iraq Inquiry*.

² Action on Armed Violence, July 2010, *A State of Ignorance*.

³ *Iraq's Weapons of Mass Destruction. The Assessment of the British Government*, 24 September 2002.

violent and aggressive nature of Saddam Hussein's regime. His record of internal repression and external aggression gives rise to unique concerns about the threat he poses."

9. The dossier stated:

- Saddam Hussein used patronage and violence to motivate his supporters and to control or eliminate opposition. He had pursued a long-term programme of persecuting the Iraqi Kurds, including through the use of chemical weapons. Amnesty International had estimated that more than 100,000 Kurds had been killed or had disappeared during the 1987 to 1988 "Anfal" campaign of attacks on Kurdish villages. Thousands of Iraqi Shia had also been killed.
- Saddam Hussein had led Iraq into two wars of aggression, against Iran and Kuwait. The Iran-Iraq War was estimated to have caused one million casualties.
- Human rights abuses continued within Iraq: "People continue to be arrested and detained on suspicion of political or religious activities or often because they are related to members of the opposition. Executions are carried out without due process of law. Relatives are often prevented from burying the victims in accordance with Islamic practice. Thousands of prisoners have been executed."

10. Mr Blair addressed those issues in his opening statement in the 24 September 2002 Parliamentary debate:

"People say, 'But why Saddam?' ... two things about Saddam stand out. He has used these weapons in Iraq itself – thousands dying in those chemical weapons attacks – and in the Iran-Iraq war, started by him, in which one million people died; and his is a regime with no moderate elements to appeal to.

"Read the chapter on Saddam and human rights in this dossier. Read not just about the 1 million dead in the war with Iran, not just about the 100,000 Kurds brutally murdered in northern Iraq, not just about the 200,000 Shia Muslims driven from the marshlands in southern Iraq, and not just about the attempt to subjugate and brutalise the Kuwaitis in 1990 that led to the Gulf war. I say, 'Read also about the routine butchering of political opponents, the prison 'cleansing' regimes in which thousands die, the torture chambers and the hideous penalties supervised by him and his family and detailed by Amnesty International.' Read it all and, again, I defy anyone to say that this cruel and sadistic dictator should be allowed any possibility of getting his hands on chemical, biological and nuclear weapons of mass destruction."⁴

⁴ House of Commons, *Official Record*, 24 September 2002, column 5.

11. Amnesty International issued a press release two days later, urging the UN Security Council to consider:

“... not only the security and political consequences of its action, but also the inevitable human rights and humanitarian toll of war ... concern for the life, safety and security of the Iraqi people is sorely missing from the debate, as is any discussion on what would be their fate in the aftermath of conflict ...”⁵

12. On 2 December, the FCO published a report on Saddam Hussein’s crimes and human rights abuses.⁶ The report is addressed in more detail in Section 6.4.

13. The FCO report was “based on the testimony of Iraqi exiles, evidence gathered by UN rapporteurs and human rights organisations, and intelligence material”. It examined “Iraq’s record on torture, the treatment of women, prison conditions, arbitrary and summary killings, the persecution of the Kurds and the Shia, the harassment of opposition figures outside Iraq and the occupation of Kuwait”.

14. Mr Jack Straw, the Foreign Secretary, told the BBC that the report was being published “because it is important that people understand the comprehensive evil that is Saddam Hussein”.⁷

15. The report was criticised by some as an attempt to influence public opinion in favour of war.⁸

16. Amnesty International responded to that report, stating that the human rights situation in Iraq should not be used selectively; the US and other Western Governments had ignored previous Amnesty International reports of widespread human rights violations in Iraq.⁹ Amnesty International continued:

“As the debate on whether to use military force against Iraq escalates, the human rights of the Iraqi people, as a direct consequence of any potential military action, is sorely missing from the equation.”

17. In his speech to the Labour Party Spring Conference in Glasgow on 15 February 2003, Mr Blair said:

“Yes, there are consequences of war. If we remove Saddam by force, people will die and some will be innocent. We must live with the consequences of our actions, even the unintended ones.

“But there are also consequences of ‘stop the war’ ...”¹⁰

⁵ Amnesty International, 26 September 2002, *Iraq: human rights in the balance*.

⁶ Foreign and Commonwealth Office London, *Saddam Hussein: crimes and human rights abuses*, November 2002.

⁷ BBC, 2 December 2002, *UK unveils ‘torture’ dossier*.

⁸ *The Guardian*, 3 December 2002, *Anger over Straw’s dossier on Iraqi human rights*.

⁹ Amnesty International, 2 December 2002, *Iraq: UK Government dossier on human rights abuses*.

¹⁰ *Scoop Independent News*, 17 February 2003, *Prime Minister Tony Blair’s Glasgow Party Speech*.

18. Mr Blair said that those consequences would include Saddam Hussein remaining in power in Iraq:

“A country that in 1978, the year before he seized power, was richer than Malaysia or Portugal. A country where today, 135 out of every 1,000 Iraqi children die before the age of five – 70 percent of these deaths are from diarrhoea and respiratory infections that are easily preventable. Where almost a third of children born in the centre and south of Iraq have chronic malnutrition.

“Where 60 percent of the people depend on Food Aid.

“Where half the population of rural areas have no safe water.

“Where every year and now, as we speak, tens of thousands of political prisoners languish in appalling conditions in Saddam’s jails and are routinely executed.

“Where in the past 15 years over 150,000 Shia Moslems in Southern Iraq and Moslem Kurds in Northern Iraq have been butchered, with up to four million Iraqis in exile round the world, including 350,000 now in Britain ...

“If there are 500,000 on that [Stop the War] march, that is still less than the number of people whose deaths Saddam has been responsible for.

“If there are one million, that is still less than the number of people who died in the wars he started.”

Child mortality in Iraq under Saddam Hussein’s regime

The figure for child mortality in Iraq under Saddam Hussein’s regime used by Mr Blair in his speech to the Labour Party Spring Conference in February 2003, and in subsequent public statements, has been questioned. The Inquiry therefore considered the origin of that figure.

On 14 February, the day before Mr Blair’s speech, Ms Clare Short, the International Development Secretary, wrote to Mr Blair setting out key humanitarian issues in Iraq (see Section 6.5).¹¹ Ms Short advised that the humanitarian situation in the centre and the south of Iraq, which was under Saddam Hussein’s control, was worse than the situation in the north. To demonstrate that point, she attached statistics, attributed to the UN Children’s Fund (UNICEF), on child and maternal mortality in Iraq. Child mortality in central and southern Iraq was 135 per 1,000 (“worse than the Democratic Republic of Congo or Mozambique”) compared with 72 per 1,000 in northern Iraq.

On the same day, No.10 asked the FCO for material on a number of issues in preparation for Mr Blair’s speech to the Conference, including how many Iraqi children under the age of five died each month.¹²

¹¹ Letter Short to Blair, 14 February 2003, ‘Iraq: Humanitarian Planning and the Role of the UN’.

¹² Minute Rycroft to Owen, 14 February 2003, ‘Iraq: Prime Minister’s Speech’.

The FCO's reply, which had been agreed with DFID, stated that there were no truly reliable figures for child mortality in Iraq.¹³ The only figures available were from a 1999 UNICEF report which claimed that child mortality had risen from 56 per 1,000 in 1989 to 131 per 1,000 in 1999 in "Baghdad-controlled Iraq" and fallen from 80 per 1,000 to 72 per 1,000 over the same period in "UN-controlled" northern Iraq. However, those figures had been questioned. The household surveys on which the figures were based had been "conducted with the Iraqi regime's 'help' and relied on some Iraqi figures".

A No.10 official passed the figures for Baghdad-controlled Iraq (but not northern Iraq) to Mr Blair.¹⁴ The official did not make any reference to the reliability of those figures.

The Inquiry concludes that the figures provided to Mr Blair in February 2003 by Ms Short and FCO officials were drawn from UNICEF's Iraq Child and Maternal Mortality Survey (ICMMS), published in August 1999.¹⁵ That survey received extensive coverage in the media, in particular on whether there was a connection between the apparent rise in child mortality and the sanctions regime that was then in force.¹⁶

The level of child mortality in Iraq estimated by the ICMMS was significantly higher than that estimated by later surveys. The Child Mortality Estimates website, which presents the work of the UN Inter-Agency Group on Child Mortality Estimation, charts the estimates of major surveys of under-five mortality in Iraq.¹⁷

The UN Inter-Agency Group on Child Mortality Estimation estimates that the under-five mortality rate in Iraq was 55 per 1,000 in 1989, 46 per 1,000 in 1999, 42 per 1,000 in 2003, and 37 per 1,000 in 2010 (when Mr Blair gave his evidence to the Inquiry).¹⁸

In September 2010, Professor Michael Spagat reported that the child mortality estimates reported by the ICMMS were between two and three times higher than those reported by three other major UN-sponsored surveys (the Iraq Living Conditions Survey 2005, the Multiple Indicator Cluster Survey in Iraq 2007 and the Iraq Family Health Survey 2008).¹⁹ He suggested that the high and rising child mortality rates reported by the ICMMS could be explained by:

- the manipulation of the sanctions regime by Saddam Hussein, in order to exacerbate the suffering caused by that regime for political purposes; and
- the manipulation of data by Saddam Hussein's regime, to exaggerate the suffering caused by sanctions.

¹³ Fax Owen to Rycroft, 14 February 2003, 'PM's Speech Question'.

¹⁴ Minute Rycroft to Prime Minister, 14 February 2003, 'Iraq: Scotland Speech – Additional Points'.

¹⁵ UNICEF, 12 August 1999, *Iraq Child and Maternal Mortality Survey*.

¹⁶ *BBC*, 12 August 1999, *Iraqi child death rates soar*.

¹⁷ Child Mortality Estimates website, *Under-five mortality rate: Iraq*. Child Mortality Estimates (CME) Info is a database containing the latest child mortality estimates based on the research of the UN Inter-agency Group for Child Mortality Estimation. The UN Inter-agency Group comprises UNICEF, WHO, the World Bank, and the UN DESA Population Division.

¹⁸ Child Mortality Estimates website, *Under-five mortality rate: Iraq*.

¹⁹ Spagat M. Truth and death in Iraq under sanctions. *Significance* **7(3)**: 116-120 (2010).

19. On 19 March, in response to a question from Mr Martin Caton in the House of Commons, Mr Blair said:

“Of course, I understand that, if there is conflict, there will be civilian casualties ... However ... civilian casualties in Iraq are occurring every day as a result of the rule of Saddam Hussein. He will be responsible for many, many more deaths even in one year than we will be in any conflict.”²⁰

20. The Coalition began military action against Iraq later that day.

Assessments of Iraqi civilian casualties during initial combat operations

21. In the second half of 2002, the Joint Intelligence Committee (JIC) produced four Assessments which identified the possibility of significant civilian casualties in the event of a Coalition attack on Iraq.

22. In August 2002, the JIC assessed Saddam Hussein’s diplomatic and military options to deter, avert or limit the scope and effectiveness of a US attack.²¹ The JIC’s Key Judgements included:

“Saddam would order the use of CBW [chemical and biological weapons] against Coalition forces at some point, probably after a Coalition attack had begun. Once Saddam was convinced that his fate was sealed, he would order the unrestrained use of CBW against Coalition forces, supporting regional states and Israel.”

23. The Assessment also identified a number of “unorthodox options” that Saddam Hussein might pursue, including:

“... a ‘scorched earth’ policy ... with the aim of creating a humanitarian or environmental catastrophe ...”

24. In September, the JIC assessed how Iraq might use chemical and biological weapons.²² Its Key Judgements included:

“If not previously employed, Saddam will order the indiscriminate use of whatever CBW weapons remain available late in a ground campaign or as a final act of vengeance.”

²⁰ House of Commons, *Official Report*, 19 March 2003, column 934.

²¹ JIC Assessment, 21 August 2002, ‘Iraq: Saddam’s Diplomatic and Military Options’.

²² JIC Assessment, 9 September 2002, ‘Iraqi Use of Chemical and Biological Weapons – Possible Scenarios’.

25. In October, the JIC assessed the likely reaction of the Kurdish and Shia population of Iraq to any US-led attack.²³ It stated that:

“... **spontaneous uprisings**, without any clear central leadership, are likely in both southern and northern Iraq ... should the regime’s control collapse quickly ... In both areas there could be violent score settling.”

26. In December, the JIC assessed Iraq’s military options during Coalition air strikes and a ground attack.²⁴ Its Key Judgements included:

“Saddam [Hussein] would use chemical and biological weapons (CBW) if he faced defeat. He might also use them earlier in a conflict, including against coalition forces, neighbouring states and his own people. Israel could be his first target.

...

“Other Iraqi responses might include seizing hostages as ‘human shields’; using non-lethal BW agents in a deniable manner; suicide attacks; or a ‘scorched earth’ policy with the aim of creating a humanitarian or environmental catastrophe. At some point, motivated by revenge, Saddam would seek to inflict the maximum damage on his enemies, whether Iraqis or outsiders.”

27. Sections 6.1 and 6.2 consider UK military planning for the invasion of Iraq, including the development of the UK’s Targeting Directive.

28. On 15 January 2003, Mr Blair met Mr Geoff Hoon, the Defence Secretary, the Chiefs of Staff and others to discuss military planning for Iraq.²⁵ Mr Blair asked how many civilian casualties there might be, and for a list of the targets which UK air forces might be asked to attack, along with a commentary on their military importance and the risk of casualties.²⁶

29. On 3 February, the MOD produced a Casualty Estimate paper for the Chiefs of Staff.²⁷ The estimates of UK military casualties are described in Section 16.3.

30. The MOD advised that, although detailed assessments of civilian casualties resulting from the air campaign could be produced on a “target-by-target” basis, the target set was not yet sufficiently well defined to allow an estimate to be produced for the air campaign as a whole. Analysis based on estimated civilian casualties during operations over Iraq between 1998 and 1999 suggested that the civilian casualties for an air campaign would be around 150 killed and 500 injured.

²³ JIC Assessment, 23 October 2002, ‘Iraq: The Kurds and Shia’.

²⁴ JIC Assessment, 6 December 2002, ‘Iraq: Military Options’.

²⁵ Email PJHQ-DCJO(Ops)-MA to PJHQ-CJO/MA, 15 January 2003, ‘Readout of the Brief to PM – Wed 15 Jan’.

²⁶ Letter Rycroft to Watkins, 15 January 2003, ‘Iraq: Military Planning’.

²⁷ Minute Fry to COSSEC, 3 February 2003, ‘Casualty Estimates – Op TELIC’ attaching Paper MOD, 3 February 2003, ‘Casualty Estimates for Op TELIC Based on Operational Analysis’.

31. No assessment had been produced of civilian casualties arising from “urban operations in Basra”. Experience from World War II suggested that between 200 and 2,000 civilians could be killed in urban operations in Basra, depending on “circumstances, duration and the degree to which civilian casualties are minimised”.

32. Mr Blair was briefed on the targeting aspects of an air campaign by Mr Hoon, Admiral Sir Michael Boyce (Chief of the Defence Staff (CDS)) and Air Commodore Mike Heath (MOD Head of the Directorate of Targeting and Information Operations) on 6 February.²⁸

33. At the meeting, Mr Blair underlined the importance of “minimising the number of civilian casualties and ensuring that all targets were appropriate and proportionate” and that consideration should be given to “how best to explain publicly the scale and nature of the campaign”.

34. On 19 February, at the request of the Overseas and Defence Secretariat in the Cabinet Office, the JIC provided an Assessment of the situation in southern Iraq and what might happen before, during and after any Coalition military action.²⁹ The JIC assessed that the “relative weakness of Iraq’s conventional forces in the south, and the fact that those forces will face the brunt of a Coalition ground attack” meant that southern Iraq was **“the most likely area for the first use of CBW against both Coalition forces and the local population”**.

35. The JIC identified a number of factors that could undermine popular support for any post-Saddam Hussein administration, including major civilian casualties.

36. In mid-February Mr Blair read the Adelphi Paper *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*, published by the International Institute for Strategic Studies (IISS).³⁰

37. Several contributors to the Adelphi Paper warned of the potential for violent disorder in post-conflict Iraq.³¹ The Paper is addressed in detail in Section 6.5.

38. The Adelphi Paper prompted Mr Blair to ask a number of detailed questions about the military campaign and post-conflict issues, including:

“What is our military’s assessment of the likely consequences of an attack on Iraq; i.e. how many casualties; how quickly the collapse?”³²

²⁸ Letter Rycroft to Watkins, 6 February 2003, ‘Iraq: Prime Minister’s Meeting, 6 February’.

²⁹ JIC Assessment, 19 February 2003, ‘Southern Iraq: What’s in Store?’.

³⁰ Letter Rycroft to McDonald, 20 February 2003, ‘Iraq: Political and Military Questions’.

³¹ Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.

³² Minute Rycroft to McDonald, 20 February 2003, ‘Iraq: Political and Military Questions’.

39. General Tommy Franks, Commander in Chief US Central Command (CENTCOM), met Mr Blair on 25 February.³³ The record of the meeting written by a No.10 official reported that Mr Blair asked if Gen Franks had “any idea” of the scale of likely civilian casualties.

40. Adm Boyce stated that civilian casualties were likely to be in the “low hundreds”. Gen Franks stated that ways to minimise civilian casualties were being explored.

41. Mr Blair concluded that “we must set out our strategy: to destroy the regime but minimise civilian casualties”.

42. Mr Peter Watkins, Mr Hoon’s Principal Private Secretary, sent the MOD’s response to Mr Blair’s questions to No.10 on 24 February.³⁴ Mr Watkins advised that the MOD estimated that the UK “land battle” casualties would be in the order of 30–60 killed, and that Iraqi land battle casualties would be in the order of 500–1,200 killed. Detailed assessments of likely casualties from the air campaign, including civilian casualties, could only be done on a “target-by-target” basis and this work was “in hand”. Mr Watkins stated:

“Iraqi civilian casualties from anything other than the air campaign are likely to be relatively few, unless Coalition forces become engaged in fighting in urban areas.”

43. Mr Watkins’ letter did not refer to the broad estimates of civilian casualties that had been submitted to the Chiefs of Staff on 3 February.

Civilian casualties during initial combat operations

Provision of medical care to Iraqi citizens

44. Section 16.2 addresses the provision of medical care to UK Service Personnel.

45. The MOD recognised before the invasion that, under the Geneva Convention, it was obliged to provide Iraqi citizens (both military personnel and civilians) with the medical care that they required within the UK’s means and capabilities.³⁵

46. That obligation was reflected in military planning for Operation TELIC. The MOD’s policy was that initial treatment would take place in theatre, with transfer to other countries in the region if transfer was required and if those countries agreed to accept Iraqi citizens for treatment. If those countries did not agree to accept them, the UK would evacuate the very seriously injured to the UK for specialist care.

³³ Letter Cannon to Owen, 25 February 2003, ‘Iraq: Prime Minister’s Meeting with General Franks’.

³⁴ Letter Watkins to Rycroft, 24 February 2003, ‘Iraq: Political and Military Questions’; Minute Rycroft to Prime Minister, 26 February 2003, ‘Political and Military Questions on Iraq’.

³⁵ Minute PJHQ [junior official] to APS/Mr Hoon, 14 May 2003, ‘Operation TELIC: Aeromedical Evacuation of Iraqi Civilians to the UK for Treatment’.

47. The Permanent Joint Headquarters (PJHQ) advised Mr Hoon on 14 May 2003, two weeks after the end of major combat operations, that only seven Iraqi citizens had so far been evacuated to the UK, predominantly for severe burns (PJHQ had planned for the evacuation of 20 Iraqi citizens).

48. The MOD reported in July 2003 that around 200 Iraqi Prisoners of War and 200 Iraqi civilians had been treated in British medical facilities during the deployment and combat phases of Op TELIC.³⁶

Reports on civilian casualties

49. On 31 March, Mr Hoon and Adm Boyce briefed Mr Blair on progress on military operations.³⁷ Mr Blair asked for an estimate of civilian casualties. Mr Hoon replied: “Hundreds.”

50. As major combat operations continued, the Government came under sustained pressure in the House of Commons to provide estimates of Iraqi and civilian casualties and to minimise civilian casualties and damage to infrastructure.

51. On 2 April, in response to a question from Mr John MacDougall, Mr Adam Ingram, Minister of State for the Armed Forces, stated:

“We have no means of ascertaining the numbers of military or civilian lives lost during the conflict in Iraq to date, although we make every effort to keep any impact upon the Iraqi civilian population to an absolute minimum. All our military planning is conducted in full accordance with our obligations under international law to employ the minimum necessary use of force to achieve military effect, and to avoid injury to non-combatants or civilian infrastructure. Practically, this is achieved through a combination of an extremely careful targeting process and highly accurate precision guided weapons.”³⁸

52. The following day, in response to a question from Ms Caroline Spelman regarding the number of Iraqi civilians who had been injured and killed as a result of the conflict, Mr Ingram stated:

“... it is impossible to know for sure how many civilians have been injured, or killed and subsequently buried.”³⁹

53. IBC reported in July 2005 that 7,299 non-combatant civilians had been killed between 20 March 2003 and 30 April 2003.⁴⁰ Of those deaths, 6,882 had been caused by US-led forces, 206 by “anti-Occupation forces, unknown agents and crime”, and 211 by both US-led and anti-Occupation forces.

³⁶ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

³⁷ Minute Rycroft to Powell, 31 March 2004, ‘Iraq: Military Briefing, 31 March 2003’.

³⁸ House of Commons, *Official Report*, 2 April 2003, column 738W.

³⁹ House of Commons, *Official Report*, 3 April 2003, column 783W.

⁴⁰ Iraq Body Count, July 2005, *A Dossier of Civilian Casualties 2003 – 2005*.

Battle Damage Assessment

Section 6.2 describes the main principles of International Humanitarian Law (IHL), also known as the Law of Armed Conflict (LOAC) or the Law of War, how they were disseminated to those engaged in military action, and how they were reflected in the UK's Targeting Directive and Rules of Engagement (ROEs).

The key elements of IHL which apply to targeting of military objectives during a conflict are set out in the 1977 Protocol Additional to the Geneva Conventions of 1949 (Protocol I).

The main principles can be summarised as:

- **Distinction.** The parties to the conflict must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and shall direct their operations only against military objectives (Article 48).
- **Proportionality.** Military objectives must not be attacked if the attack is likely to cause civilian casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated (Article 57:2:b).
- **Military Necessity.** Offensive operations must be limited to those which are necessary (Article 57:3).
- **Feasible Precautions.** In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.

Those who plan or decide upon an attack must take a number of specified precautions, focusing on the principles outlined above (Article 57).

The Battle Damage Assessment (BDA) process in place at the beginning of Op TELIC was set out in the UK's 2001 'Joint Targeting and Battle Damage Assessment for UK Forces'.⁴¹

The paper stated that the purpose of BDA was:

"... to evaluate the overall effectiveness of an attack. It is also required to determine collateral and additional damage in order to provide an authoritative statement about the proportionality and legality of the attack, and on the absence or presence of collateral or additional damage when required for rebuttal purposes."⁴²

The paper defined "collateral damage" as unintentional or incidental damage affecting facilities, equipment or personnel that were not justifiable military objectives. It defined "additional damage" as unintentional or incidental damage affecting facilities, equipment or personnel that were justifiable military objectives.

The paper did not describe how, after an attack, the number of civilian casualties should be determined.

The MOD told the Inquiry that, during Op TELIC 1, civilian casualty incidents were classed as "serious incidents" for which investigation was mandated by the Commanding Officer and a "higher authority".⁴³ The process was formalised in June 2003, so that any incident judged to have potentially fallen outside the UK's ROEs was fully investigated by the Service Police.

⁴¹ Paper, January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces'.

⁴² Paper, January 2001, 'Joint Targeting and Battle Damage Assessment for UK Forces, Annex G: BDA – Phases and Definitions'.

⁴³ Paper MOD, [undated], 'Iraq Inquiry Request for Evidence on the Assessment of Civilian Casualties Sustained during Military Operations'.

Case study of a bombing in a Basra suburb, 5 April 2003

54. The deaths of 10 members of the Hamoudi family in a Coalition air strike on houses in a residential area of Basra in early April 2003 attracted significant media attention.

55. The Inquiry has considered, as a case study, the Government's role in and response to the air strike.

56. The UK military undertook a Rapid Collateral Damage Assessment on 4 April 2003 for a possible attack on a small group of residential houses in Basra that were expected to be visited by General Ali Hasan Al-Majid (also known as Chemical Ali).⁴⁴ Gen Al-Majid was described as responsible for co-ordinating resistance to the Coalition within southern Iraq and therefore as a combatant.⁴⁵

57. The Assessment concluded that seven houses (not including those targeted) might suffer collateral damage, and that there would be additional casualties in the open, resulting in 39 civilian casualties in a day attack and 51 in a night attack (again, not including casualties in the targeted houses).⁴⁶ No separate estimate had been made of damage to or casualties in the targeted buildings.

58. Given the number of expected civilian casualties (more than 30), approval for the attack was referred from HQ 1st (UK) Armoured Division to Air Marshal (AM) Brian Burridge, the UK's National Contingent Commander, and hence to Mr Hoon.⁴⁷

59. AM Burridge advised Mr Hoon that:

“... the expected civilian casualties ... would not be excessive in relation to the direct and concrete military advantage anticipated should Al-Majid be successfully targeted. The attack is therefore capable of being assessed as proportional by the Commander.”⁴⁸

60. On 4 April, Mr Hoon agreed that the attack should proceed.⁴⁹ However, Gen Al-Majid was reported to have left the location before the attack could be carried out.

61. In the expectation of Gen Al-Majid's return, AM Burridge also sought approval for the attack from CENTCOM.⁵⁰

⁴⁴ Minute NCHQ OA to NCHQ J3 Targets, 4 April 2003, 'Rapid Collateral Damage Estimate Residential Houses (Loc: 303121.8N 474904.0E)'.

⁴⁵ TST Log Sheet, [undated], [untitled].

⁴⁶ Minute NCHQ OA to NCHQ J3 Targets, 4 April 2003, 'Rapid Collateral Damage Estimate Residential Houses (Loc: 303121.8N 474904.0E)'.

⁴⁷ Minute BMRA to NC HQ, 15 April 2003, 'Civilian Casualties – Coalition Engagement in Basrah – 05 April 2003'; Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

⁴⁸ TST Log Sheet, [undated], [untitled].

⁴⁹ Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

⁵⁰ Minute HQ NCC to PJHQ, 16 April 2003, 'Time Sensitive Target – Gen Ali Hasan Al Majid'.

62. CENTCOM agreed the attack early on 5 April, subject to a reduction in the ordnance to be used from 500lb and 1,000lb bombs to 500lb bombs only, in order to minimise collateral damage.⁵¹

63. At 0530 local time on 5 April, following reports that Gen Al-Majid had returned to the location, US forces dropped seven bombs on the target.⁵² The US reported immediately after the attack that:

- four bombs had hit the target and detonated;
- two bombs had missed the target; and
- one bomb had hit the target but failed to detonate.

64. Mr Abed Hassan Hamoudi wrote to the “Head of Coalition Forces” in Basra on 12 April, informing him that 10 members of his family had been killed when a number of rockets from Coalition aircraft had hit his house.⁵³ He had received no expression of condolence or explanation for the attack. Mr Hamoudi indicated that he would seek compensation for the attack and said that he had authorised his son, Mr Sudad Hamoudi, to pursue the case.

65. The Joint Air Reconnaissance Intelligence Centre (JARIC) produced a Phase 1 Battle Damage Assessment (BDA) for the attack on Gen Al-Majid on 14 April.⁵⁴ It stated that no collateral damage had been observed.

66. By 15 April, HQ 1st (UK) Armoured Division had associated the attack on Gen Al-Majid with the deaths reported by Mr Hamoudi.⁵⁵

67. HQ 7 Armoured Brigade (then responsible for the Basra battlespace) issued a consolidated BDA for the Basra urban area on 19 April.⁵⁶ The BDA covered 15 targets which had been engaged by precision guided munitions, including the 5 April attack on Gen Al-Majid. The BDA for that attack reported that the target residence had been completely destroyed, but Gen Al-Majid was believed to have escaped. The attack had damaged other properties and caused civilian casualties; one neighbour had claimed that 10 members of his family including four children had been killed, and another neighbour had claimed that an additional seven children had been killed.

68. The consolidated BDA made no mention of civilian casualties in its reports on any of the other attacks.

⁵¹ Minute BMRA to NC HQ, 15 April 2003, ‘Civilian casualties – Coalition Engagement in Basrah – 05 April 2003’.

⁵² Report 524 Expeditionary Fighter Squadron, 5 April 2003, [untitled]. Minute HQ NCC to PJHQ, 16 April 2003, ‘Time Sensitive Target – Gen Ali Hasan Al Majid’.

⁵³ Letter Hamoudi to Head of Coalition Forces, 12 April 2003, [untitled].

⁵⁴ Report JARIC, 14 April 2003, ‘MRNXXHACIZ/0248’.

⁵⁵ Minute BMRA to NC HQ, 15 April 2003, ‘Civilian casualties – Coalition Engagement in Basrah – 05 April 2003’.

⁵⁶ Report 7 Armoured Brigade, 19 April 2003, ‘Battle Damage Assessment Report for the Al Basrah Urban Area and Immediate Hinterland’.

69. The consolidated BDA considered the contribution that pre-planned strikes had made to the campaign, and concluded that:

“... PGMs [precision guided munitions] shortened the battle ... and as a result, reduced loss of life on both sides.”

70. An MOD official advised Mr Ingram on 23 April that an investigation into Coalition activity on 5 April, the BDA of the attack on Gen Al-Majid, and other evidence indicated that Mr Hamoudi’s claim was true.⁵⁷ Two of the bombs had missed their target “and we suspect therefore that these bombs caused the collateral damage to Mr Hamoudi’s house”.

71. The official also advised that although the MOD had not yet developed a policy on compensation, it was unlikely that Mr Hamoudi would have a claim. There was no legal obligation on the Coalition to compensate civilians affected by hostilities. In line with previous operations, the MOD would not expect to offer compensation for damages resulting from legitimate targeting during hostilities.

72. Mr Ingram wrote to Mr Sudad Hamoodi on 4 June. Mr Ingram advised that the UK had “looked into” the circumstances surrounding the event and could confirm that the deaths were:

“... likely to have been the result of Coalition bombing aimed at General ... Al Majid. There as no deliberate targeting of your father’s home and the losses suffered by your family were quite unintended. I appreciate that this may be of very little comfort to you now.

“... the Coalition does take every care to ensure that our military action avoids injury to civilian populations. That said it is not possible to eliminate the risk to civilians entirely, but I hope you will understand that when civilians are injured or killed in this way, this is a tragic accident rather than a deliberate event.”⁵⁸

73. Mr Sudad Hamoudi replied to Mr Ingram on 8 June, posing a number of questions including:

- Was the intelligence that had placed Gen Al-Majid at the location (in a residential district) reliable?
- Why had the family not been warned about the possibility of an attack, so that they could have taken action to ensure their own safety?
- Whether it was correct to describe the deaths as an accident, when they had resulted from a deliberate action.⁵⁹

⁵⁷ Minute MOD [junior official] to PS/Minister(AF) [MOD], 23 April 2003, ‘OP TELIC: Hamoodi Family: Civilian Fatalities’.

⁵⁸ Letter Ingram to Hamoodi, 4 June 2003, [untitled].

⁵⁹ Letter Hamoodi to Ingram, 8 June 2003, [untitled].

74. Mr Sudad Hamoudi concluded that there had to be “some kind of accountability” for the loss of civilian lives.

75. An MOD official provided Mr Ingram with a draft reply to Mr Sudad Hamoudi’s letter on 20 June.⁶⁰ The official advised that further analysis of the attack suggested that the damage to Mr Abed Hamoudi’s house had not been caused by one of the two bombs that had missed their target, as had been suggested in the 23 April minute to Mr Ingram, but had instead been “an unavoidable consequence of an accurate strike on the target house”. The official continued:

“The targeting planning process identified that collateral damage was likely in neighbouring properties to the target area. If the Hamoudi house was one of these, it therefore seems possible it was damaged as an expected and unavoidable consequence of the strike on the building believed to contain General ‘Chemical’ Ali Hassan Al-Majid, although at the moment we cannot say this with certainty.

“Although we can say with complete certainty that the Hamoudi house was not deliberately targeted by the Coalition ... it becomes difficult in this particular instance to sustain with any confidence the line that this was an accident.”

76. The MOD official stated that there was nevertheless no doubt as to the legitimacy of the attack.

77. The official also stated: “In line with previous operations we would not expect to offer compensation for damages resulting from legitimate targeting during hostilities.”

78. Mr Ingram replied to Mr Sudad Hamoudi on 23 June.⁶¹ He reiterated his sorrow at the deaths caused by the attack and set out the UK Government’s position on its legality:

“As the Commander of the Southern Region [of Iraq] ... Al-Majid was a key Iraqi military figure whose removal from command was expected to deliver considerable military advantage ... thus ultimately minimising casualties on both sides. The attack on the place where he was believed to be located was therefore entirely lawful.”

79. Mr Ingram was advised on 10 July – over three months after the attack – that the UK’s “research” into the incident remained “incomplete, and the information available ambiguous”.⁶² PJHQ was trying to confirm the address of Mr Hamoudi’s house, and that the strike on Gen Al-Majid was “actually accurate and directed against the correct co-ordinates”.

80. Members of the Iraq Inquiry Committee met members of the Hamoudi family in 2010.

⁶⁰ Minute MOD [junior official] to APS/Mr Ingram, 20 June 2003, ‘Op TELIC: Hamoodi Family: Civilian Fatalities’.

⁶¹ Letter Ingram to Hamoodi, 23 June 2003, [untitled].

⁶² Minute MOD [junior official] to MOD [junior official], 10 July 2003, ‘Op TELIC: Hamoodi family: civilian fatalities’.

Responding to demands to count civilian casualties

81. From early June 2003, and throughout the summer, there were signs that security in both Baghdad and the South was deteriorating.

82. The Government continued to face pressure in Parliament to provide estimates of the numbers of Iraqi citizens who had died during the conflict. The Government's line remained that the UK had no means of ascertaining the number of Iraqi Service Personnel or civilians who had been killed during the conflict.

83. On 14 October 2003, in response to a question from Mr Adam Price regarding the number of Iraqi civilians who had been killed by UK or US forces in Iraq since the end of the conflict, Mr Hoon said:

"We make every effort to minimise the impact of military operations on the Iraqi civilian population.

"We have no reliable means of ascertaining the numbers of civilians killed by United Kingdom Forces since the conflict ended."⁶³

84. FCO and MOD officials discussed that response.

85. On 12 November, an FCO official reported to Mr John Buck, FCO Director Iraq, that according to MOD officials:

"... notwithstanding this answer, records are kept of all significant incidents involving UK forces. A significant incident would include ... a soldier wounding or killing a civilian. At present, this information is not collated, although PJHQ accept that it could be."⁶⁴

86. That collated information would not necessarily be "fully reliable", as UK forces could not always be sure if someone had been killed or wounded in an incident, and whether that person was a civilian.

87. On the same day, PJHQ sent Mr Hoon a report on the death of two Iraqi adults and the injury of an Iraqi child in an incident involving UK forces.⁶⁵

88. The report prompted Mr Hoon to ask PJHQ for "further advice on the total numbers of civilians killed by UK forces since the end of major combat operations".⁶⁶

89. On 13 November, in response to a question from Mr Price in the House of Commons, Mr Ingram confirmed that the Special Investigation Branch (SIB) of the Royal

⁶³ House of Commons, *Official Report*, 14 October 2003, column 22W.

⁶⁴ Minute FCO [junior official] to Buck, 12 November 2003, 'Iraq – Civilian Casualties'.

⁶⁵ Minute PJHQ to PS/Secretary of State [MOD], 12 November 2003, 'Iraqi Civilian Shooting in Basrah'.

⁶⁶ Minute APS/Secretary of State to PJHQ, 13 November 2003, 'Iraqi Civilian Shooting in Basrah'.

Military Police (RMP) had begun investigations into 17 civilian fatalities allegedly caused by UK forces.⁶⁷

90. Mr Straw wrote to Mr Hoon on 18 November to ask that the MOD examine whether it would be viable to collate information on post-conflict civilian casualties inflicted lawfully and in accordance with the UK's Rules of Engagement by UK forces (and other troop contributors) in the UK's Area of Responsibility.⁶⁸ Mr Straw recalled recent media and NGO reporting on the "allegedly high levels of civilian casualties inflicted by Coalition forces" and the level of Parliamentary and public interest, and continued:

"I recognise fully the difficulties involved in compiling accurate statistics about civilian casualties, particularly during combat operations. But I am concerned that the current UK/US position – that 'there is no reliable means of ascertaining the number of civilian casualties, even in post-conflict Iraq' – leaves the field entirely open to our critics and lets them set the agenda ...

"We need to find ways of countering the damaging perception that civilians are being killed needlessly, and in large numbers, by Coalition forces."

91. Mr Straw referred to the work of IBC, which he described as having "some credibility (within the sourcing limitations)".

92. Mr Hoon's Private Office passed Mr Straw's letter to PJHQ, asking for a draft reply.⁶⁹ Mr Hoon's Private Office commented that they had already asked PJHQ to identify the total number of civilians killed by UK forces since the end of major combat operations.

93. PJHQ replied to Mr Hoon's Private Office on 25 November.⁷⁰ It confirmed that assessment reports (ASSESSREPs) recorded the detail of contacts and incidents in the UK's Area of Operations, including details of civilian "casualties or deaths". It would take two weeks to review all ASSESSREPs produced since 1 May 2003, to determine the number of Iraqi civilian casualties. The number produced would not be "definitive or entirely comprehensive"; ASSESSREPs would only cover incidents which were witnessed by or involved UK forces.

94. PJHQ also advised:

"The current line, that there is no reliable way of knowing how many casualties there have been ... was perfectly reasonable during the decisive combat phase of Op TELIC ... as long-range attacks meant that there was no source on the ground to verify ... casualty numbers.

⁶⁷ House of Commons, *Official Report*, 13 November 2003, column 433W.

⁶⁸ Letter Foreign Secretary to Defence Secretary, 18 November 2003, 'Iraq: Civilian Casualties'.

⁶⁹ Minute APS/Secretary to State [MOD] to PJHQ J9 Hd PI/Ops, 18 November 2003, 'Iraq – Civilian Casualties'.

⁷⁰ Minute PJHQ J9 to APS/Secretary of State [MOD], 25 November 2003, 'OP TELIC: Civilian Casualties'.

“Since ... the end of decisive combat operations, this line has become more difficult to defend as confirmed cases of civilian casualties where UK forces are involved are recorded locally.”

95. Mr Hoon replied to Mr Straw the following day, advising that neither Iraqi ministries nor Coalition Forces currently had the capacity to collate definitive statistics on the causes of death or injury to civilians.⁷¹ He nevertheless shared Mr Straw’s desire to be able to produce accurate casualty statistics “to be able to refute some of the more wild speculation”. The SIB was investigating 17 civilian fatalities allegedly caused by UK forces. The MOD was “seeking to analyse” incident reports produced since 1 May 2003 in order to determine the likely number of “additional Iraqi civilian deaths”. That process would take some time; Mr Hoon undertook to write to Mr Straw with the results.

96. Mr Price secured an Adjournment Debate on “military operations and civilian deaths in post-war Iraq”, which was held in Westminster Hall on 7 January 2004.⁷² Mr Price had previously tabled 17 Parliamentary Questions on civilian casualties in post-war Iraq and had sent his paper *Can Kill, Won’t Count* to Mr Hoon and the Attorney General.

97. Mr Ingram’s briefing for the debate advised that the review of ASSESSREPs which had been initiated the previous month had been completed. In addition to the 17 civilian deaths which were subject to investigation by SIB/RMP, the review had identified a further 17 civilians who had been killed by UK forces; one in an (unspecified) accident and 16 in circumstances where force was deemed to have been used in accordance with the UK’s Rules of Engagement.

98. Opening the debate, Mr Price asked Mr Ingram how many civilian casualties had been reported by UK forces.⁷³ In his response, Mr Ingram referred to the 17 deaths that were being investigated by SIB/RMP, but not to the 17 further deaths that the MOD review had identified.

99. Mr Ingram rejected the charge that the UK was refusing to keep records of civilian casualties:

“That is not true ... Although we record all such incidents, it would be wrong to claim that we have an exhaustive record, because we cannot always be certain of the number of fatalities that result. In some incidents ... those who have been attacking UK forces and who have been injured or killed are removed from the scene ...

“There have also been incidents in which UK forces have been forced to withdraw from an engagement with no reliable means of ascertaining the number of fatalities ... Finally, gun battles have taken place in which our forces were not involved, but there have been claims that they were responsible for casualties none the less.”

⁷¹ Letter Hoon to Straw, 26 November 2003, [untitled].

⁷² Minute PJHQ to APS/Minister(AF) [MOD], 23 December 2003, ‘Adjournment Debate on 7 January: Military Operations and Civilian Deaths in Post-War Iraq – Adam Price’.

⁷³ House of Commons, *Official Report*, 7 January 2004, columns 135WH to 141WH.

100. Mr Ingram also clarified the MOD's definition of a civilian:

"For our purposes, the term 'civilian' applies to all Iraqis. Besides peaceful law-abiding men, women and children, it includes those former regime loyalists who have since April continued to bomb, kill and maim their fellow Iraqi countrymen and women and Coalition troops."

101. On 6 February, in response to a written Parliamentary Question from Mr Price, Mr Ingram stated:

"As at 2 February, since the end of major combat operations 37 alleged fatalities had been reported by British units of which 18 have been the subject of investigations. All those not subject to investigation involved assailants attacking British forces and in defending themselves the soldiers involved were acting clearly within their Rules of Engagement."⁷⁴

102. That was the first public statement, of which the Inquiry is aware, of the number of civilians killed by UK forces in Iraq.

103. IBC reported on 7 February 2004 that the number of "non-combatant civilian" deaths in Iraq during 2003 "as a result of the US/UK-led invasion and Occupation of Iraq" might have passed 10,000.⁷⁵

104. IBC commented:

"Pushing the total past the 10,000 mark were recent reports of Iraqi policemen killed since Saddam's fall in April. It is unsurprising that, as the CPA [Coalition Provisional Authority] and Occupying forces bunker themselves behind concrete fortresses, their most exposed and least well-protected front-line defence, members of the 'new' Iraqi civil defence and police forces, have suffered disproportionately."

105. On 23 April, at his request, Mr Blair received 19 "unvarnished accounts" of progress on security, the political process and reconstruction in Iraq (see Section 9.2).

106. In his response to those accounts, Mr Blair asked for answers to four specific questions, including:

"How many civilians have been killed in Iraq, and how? The figure of 15,000 is out there as a fact – is it accurate?"⁷⁶

107. The Cabinet Office responded to that question on 30 April, as part of a detailed update on the capabilities of the Iraqi Security Forces.⁷⁷ It advised that there were no accurate estimates of the number of Iraqi casualties since the start of combat

⁷⁴ House of Commons, *Official Report*, 6 February 2004, column 1104W.

⁷⁵ Iraq Body Count, 7 February 2004, *Civilian deaths in 'noble' Iraq mission pass 10,000*.

⁷⁶ Letter Rycroft to Owen, 26 April 2004, 'Iraq: 15 Reports for the Prime Minister'.

⁷⁷ Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.

operations; figures ranged from 5,000 to 20,000. The MOD's public line had been that it was not possible to determine the number of civilian casualties, and that UK forces took every effort to minimise the impact of military operations on the civilian population.

108. An "initial assessment" undertaken by the MOD in February 2004 had indicated that 36 civilians had died as a result of UK actions since 1 May 2003.⁷⁸ The MOD was now undertaking a "comprehensive assessment" of unit records to produce a more accurate estimate; the outcome of that assessment would be shared with Ministers in May.

109. On 21 May, No.10 asked the FCO to "look again" at the question of civilian casualty figures, and for a weekly "digest" of casualty figures.⁷⁹

110. The FCO replied on 26 May. It stated that CPA advisers to the Iraqi Ministry of Health (MOH) had told the FCO that the MOH did not have reliable figures for civilian deaths or their causes. The MOH was gradually re-establishing standard practices and procedures, but those were still "very basic".

111. The FCO concluded that the UK did not have reliable figures for overall civilian casualties. As the MOH improved its systems, it might be possible for the Iraqi Interim Government (IIG) to determine numbers and causes of civilian deaths and injuries: "But, for now, we are primarily reliant on NGO websites whose reliability we cannot easily assess."

112. The Inquiry has seen no indications that the FCO provided a weekly digest on civilian casualties to No.10.

113. In response to a written question from Lord Lester of Herne Hill on whether the CPA had access to hospital records detailing Iraqi civilian deaths and injuries and their causes, Baroness Symons, FCO Minister of State, stated on 7 June:

"Coalition Provisional Authority advisers to the Iraqi Ministry of Health (MOH) do have access to some figures on civilian deaths. However these statistics are not reliable, as Iraqis often bury their deceased relatives without official notification/registration. This has been particularly true during periods of heightened conflict. The MOH does not therefore have accurate figures for civilian deaths or their causes for the past year. The MOH is gradually re-establishing standard practices and procedures, although these are basic. In the longer term the Iraqi Interim Government may be able to evaluate the causes of civilian deaths and injuries."⁸⁰

⁷⁸ President Bush declared on 1 May 2003 that major combat operations in Iraq had ended.

⁷⁹ Letter FCO [junior official] to Quarrey, 26 May 2004, 'Iraq Casualty Figures'.

⁸⁰ House of Lords, *Official Report*, 7 June 2004, column WA1.

114. Lord Lester followed up that reply by asking the UK Government to publish the MOH statistics on Iraqi civilian deaths and injuries. Baroness Symons replied on 24 June:

“There are no reliable figures for Iraqi civilian deaths since March 2003. The Iraqi Ministry of Health has informed us that the number of civilians killed in security incidents is 1,203 and 3,992 wounded dating from when statistics began on 5 April 2004. However they reflect only hospital admissions and may not be comprehensive. It is not possible to break these down into how they were killed or who may have been responsible. It includes casualties caused by terrorist action.”⁸¹

115. The Occupation of Iraq formally came to an end on 28 June. Power was transferred from the CPA and Iraqi Governing Council to the IIG.⁸²

116. On 6 October, the US media reported that the Iraqi MOH had recorded 3,487 insurgency-related deaths between 5 April, when the MOH began compiling data, and 19 September.⁸³ According to (unnamed) Iraqi officials, between 10 June (when the MOH began compiling data on cause of death) and 10 September, 1,295 Iraqis had been killed by “multinational forces and police” and 516 by “terrorist operations”. The MOH defined terrorist operations as explosive devices in residential areas, car bombs and assassinations.

117. The US media reported that the MOH was “convinced” that nearly all of those reported dead were civilians or police and Iraqi national guardsmen, rather than insurgents; family members would often not report the death of a relative who had died fighting for an insurgent group.

118. No.10 wrote to the FCO on 11 October:

“The Prime Minister [Mr Blair] has asked for an updated assessment of civilian casualties in Iraq. This should include our best estimate of civilian casualties since military action was launched last year, what the US are saying, and a comparison with figures being produced by other bodies (e.g. NGOs, Brookings) and/or quoted in the media.

“The Prime Minister is concerned that we are not getting the message across effectively enough about the extent of insurgent/foreign terrorist responsibility for civilian deaths.”⁸⁴

119. Mr Robin Cook (Labour) asked Mr Straw in the House of Commons on 12 October whether he had seen the MOH figures highlighted in the US media reports, which

⁸¹ House of Lords, *Official Report*, 24 June 2004, column WA138.

⁸² Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁸³ *The Seattle Times*, 6 October 2004, *Iraq Ministry Says Coalition Kills More Civilians than Insurgents do*.

⁸⁴ Letter Quarrey to PS/Straw, 11 October 2004, ‘Iraq: Civilian Casualties’.

showed that “two thirds of the civilians killed in the last six months died as a result of coalition bombing”.⁸⁵

120. Mr Straw said that he had not seen those figures.⁸⁶

121. An MOD official provided a contribution to the FCO’s response to No.10 on 13 October.⁸⁷ The MOD official confirmed that the MOD did not estimate civilian casualties because it believed that there was no reliable method for doing so, adding:

“This is not merely our public line but our genuine judgement.”

122. The official dismissed the suggestion, made by the FCO, that the civilian casualty figures that were reported to the weekly Chiefs of Staff meeting could serve as a reliable estimate of total civilian casualties. Those figures were compiled by the US based on incomplete “reporting of incidents” to US Corps HQ. The figures were reported to Chiefs of Staff as trends in them indicated whether the security situation was improving or deteriorating.

123. The official concluded by re-stating:

“... the MOD does not produce an estimate of civilian casualties, either within our own area of operation or across Iraq. We have no methodology which would enable us to do this; nor do we believe it possible to define a methodology that would produce figures meaningful enough to alleviate No.10’s concern about public presentation.”

124. The FCO replied to No.10 on 14 October, having consulted UK advisers in the Iraqi MOH.⁸⁸ The FCO recommended that the UK should not take any ownership of figures of civilian casualties; none of the estimates available were reliable, and the UK Government would have difficulty in defending the methodology behind them to the media and Parliament.

125. The UK would also have difficulty in compiling its own statistics:

“We rarely have our own people on the ground following terrorist attacks, often relying on press statistics. But their figures result in widely varying estimates ...”

126. The FCO advised that it regarded hospital and mortuary admissions collated by the Iraqi MOH as the “most reliable” figures available, although there were a number of deficiencies:

- Monthly and six-monthly MOH reports were not consistent.

⁸⁵ House of Commons, *Official Report*, 12 October 2004, column 160.

⁸⁶ House of Commons, *Official Report*, 12 October 2004, column 162.

⁸⁷ Minute MOD [junior official] to FCO [junior official], 13 October 2004, [untitled].

⁸⁸ Letter Owen to Quarrey, 14 October 2004, ‘Iraq: Civilian Casualty Figures’; Minute FCO [junior official] to Owen, 13 October 2004, ‘Iraq: Civilian Casualty Figures’.

- Civilians who were taken to hospital injured and subsequently died were counted as injured.
- Hospital staff had come under (unspecified) pressure to inflate casualty figures.

127. The FCO also advised that the Iraqi MOH had publicly estimated that 3,617 Iraqi civilians had been killed and 14,554 injured in the period from 5 April 2004 to 25 September 2004. An unpublished MOH estimate indicated that of those casualties, 516 had been killed and 2,016 injured in “terrorist attacks”.

128. The FCO reported that the UK’s Joint Terrorism Analysis Centre (JTAC) gave “a very different estimate” of 1,125 fatalities caused by “foreign fighters” since the beginning of 2004. Of those casualties, nearly 1,000 were civilians.

129. The FCO concluded that the UK should be “wary” about being drawn into a debate on which of those figures was accurate. Another unpublished MOH estimate indicated that 1,295 Iraqi citizens had been killed and 5,479 injured in the period from 16 June 2004 to 10 September 2004 “in military action”:

“This is more than double the number they [the Iraqi MOH] estimate were killed by terrorists. Although the figures include insurgents as well as civilians, the Iraqi figures as they stand now will not help us make the case that more civilians have been killed by terrorists than by military action.”

130. The FCO continued:

“In sum, if we produce a figure that differs from the Iraqi Government figures, we will have to defend it – and the way it was arrived at – before Parliament and the media ... We recommend that for the moment we continue to put our public emphasis on specific atrocities against civilians ...”

131. Mr David Quarrey, a Private Secretary to Mr Blair, passed the FCO’s advice to Mr Blair the following day.⁸⁹ Mr Quarrey commented:

“You asked for an assessment of civilian casualties in Iraq, noting that we cannot let figures of 10–15,000 go unchallenged as if we are responsible for all of them ...

“The FCO recommend that we stick to publicising terrorist responsibility for civilian casualties in individual incidents. Underlying this is concern that any overall assessment of civilian casualties will show that MNF [Multi-National Force – Iraq] are responsible for significantly more than insurgents/terrorists.

“But we should be able to handle this better ...”

132. Mr Quarrey advised Mr Blair that he intended to ask the Cabinet Office to convene a meeting of departments to initiate a trial period of monitoring daily statistics

⁸⁹ Minute Quarrey to Prime Minister, 15 October 2004, ‘Iraq: Civilian Casualties’.

on fatalities, drawing on whatever information was available. The Government could then assess how “credible (and helpful) the information would be publicly”. Mr Quarrey concluded:

“If the trial is successful, we could look at outsourcing to a credible external organisation (e.g. a think-tank or academics).”

133. Mr Blair agreed that approach.⁹⁰

134. Mr Quarrey wrote to the MOD on 18 October, to confirm that he had asked the Cabinet Office to convene a meeting to discuss how to take forward a trial monitoring period “in order to demonstrate more effectively the harm being inflicted by terrorism in Iraq”.⁹¹ Copies of Mr Quarrey’s letter were sent to the FCO and other departments.

135. A Cabinet Office official chaired a meeting on 22 October to plan how to take forward the trial monitoring period.⁹² During the meeting, officials stated that there was a risk that the UK might come under pressure to disclose publicly any conclusions that were reached. Mr Quarrey told the meeting that No.10 believed that the UK needed to make a “serious attempt to quantify what is happening”.

136. Officials agreed that:

- The “headline task” was to quantify, as precisely as possible, the number of civilian deaths caused by a) insurgents and b) coalition military action (both MNF – I and the Iraqi Security Forces).
- The best way to do that was to break the task down. The FCO would report from open sources, the MOD would report from Multi-National Division (South-East) (MND(SE))⁹³ using existing military reporting systems, and JTAC/PJHQ would analyse US statistics on casualties.
- The trial period would run for the month of November.

137. An MOD official wrote to the Cabinet Office on 28 October, setting out the MOD’s concerns about the trial process.⁹⁴ The MOD’s position remained that it did not believe it was possible to establish an accurate methodology for estimating the total number of civilian casualties. Although incident reports could be analysed, there was a danger that:

“... once we have adopted a methodology, Parliament and the public would in future expect us to apply this no matter what the intensity of the operation.”

⁹⁰ Email Quarrey to Bowen, 18 October 2004, ‘Iraq Civilian Casualties’.

⁹¹ Letter Quarrey to Naworynsky, 18 October 2004, ‘Iraq’.

⁹² Letter Cabinet Office [junior official] to Ad Hoc Cabinet Office Group on Civilian Casualties in Iraq, 25 October 2004, ‘Iraq: Civilian Casualties’.

⁹³ MND(SE) comprised the four provinces in southern Iraq for which the UK had security responsibility.

⁹⁴ Letter MOD [junior official] to Cabinet Office [junior official], 28 October 2004, [untitled].

138. The official recalled the limitations of the incident-reporting process, and concluded:

“... if HMG [Her Majesty’s Government] really does wish to get into the business of challenging media and NGO statistics, we would need to open up discussions with the US and other coalition partners on how to change the incident reporting process in order that – in future – it attributed blame for civilian killings.”

139. An FCO official wrote to the Cabinet Office on the same day, setting out how the FCO intended to contribute to the trial.⁹⁵ It would report figures compiled by NGOs and the media but not amend them in any way. To do so would suggest that those NGO and media figures had some reliability, when the UK’s public line was that they did not. Any amendments would also make the figures releasable under the Freedom of Information Act (which would come into effect the following year). The FCO concluded:

“The focus of our work will instead be on the figures produced by the Iraqi Ministry of Health (MOH) ... these too have their limitations. However, we will work with the MOH during the next few weeks to see if these statistics can be improved.”

140. On 29 October, as the Government’s trial monitoring period got under way, *The Lancet* published a study by the Johns Hopkins Bloomberg School of Public Health entitled *Mortality before and after the 2003 invasion of Iraq: cluster sample survey* (the *Lancet* study).⁹⁶

141. The study was based on a survey of 988 households in 33 clusters. It found that there had been 98,000 more deaths from all causes in Iraq than expected in the 18 months since the invasion (95 percent confidence interval 8,000–94,000) outside of Fallujah. There would be “far more” deaths if data from the Fallujah cluster were included.

142. The study stated that violence accounted for most of the excess deaths, that violent deaths were “mainly attributed” to coalition forces, and that most individuals reportedly killed by coalition forces were women and children. On the causes of death, the study stated:

“The major causes of death before the invasion were myocardial infarction, cerebrovascular accidents, and other chronic disorders whereas after the invasion violence was the primary cause of death.”

143. There had been an increase in the infant mortality rate, from 29 deaths per 1,000 live births to 57 deaths per 1,000 live births.

⁹⁵ Letter FCO [junior official] to Cabinet Office [junior official], 28 October 2004, ‘Iraq: Civilian Casualties’.

⁹⁶ Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

144. The study stated that there had been 53 deaths in the Fallujah cluster when only 1.4 had been expected. That indicated that there had been about 200,000 excess deaths in Fallujah. However, the uncertainty in that estimate was “substantial”.

145. On the same day, following a discussion with the MOD’s Director of News, Professor Sir Roy Anderson, the MOD’s Chief Scientific Adviser (CSA), “quickly reviewed” the study.⁹⁷ His Private Secretary sent his conclusions to Mr Hoon’s Private Office and senior MOD officials:

“CSA has concluded that the design of the study is robust ... He therefore believes that the paper is a sensible one ... and that the results are probably as robust as one could have achieved in the very difficult circumstances. He therefore recommends that we should proceed with caution in publicly criticising the paper.

“He would, however, add three caveats. First, extrapolation from a very small sample size to the whole of Iraq is a weakness ... Second, there are weaknesses in the way that deaths have been recorded ... in many cases the only evidence of a death having occurred, and of the cause of death, was the verbal information provided from (not necessarily disinterested) family members. And finally ... there were excess of deaths amongst males, possibly indicating that some of those who died were combatants rather than civilians.”

146. The Iraq Policy Unit (IPU) sent a copy of the minute to Mr Straw’s Private Office on 4 November.⁹⁸

147. The Iraqi Minister of Health issued a statement on 29 October, offering his Ministry’s own figures of civilian casualties:

“Every hospital reports daily the number of civilians (which may include insurgents) who have been killed or injured in terrorist incidents or as a result of military action. All casualties are likely to be taken to hospital in these circumstances except for some insurgents (who may fear arrest) and those with minor injuries. The figures show that between 5 April 2004 and 5 October 2004, 3,853 civilians were killed and 15,517 were injured. I am satisfied that this information is the most reliable available.”⁹⁹

148. The *Lancet* study, and the interest shown in it by the media and MPs, prompted a discussion between Mr Hoon and Mr Straw over whether the MOD or the FCO should have responsibility for the issue of civilian casualties.¹⁰⁰ That discussion would continue, between senior officials, until December.

⁹⁷ Minute PS/CSA to MOD Director News, 29 October 2004, ‘Iraqi Civilian Deaths: Lancet Article’.

⁹⁸ Minute IPU [junior official] to PS/Straw, 4 November 2004, ‘Civilian Casualties in Iraq: Letter to Geoff Hoon’.

⁹⁹ House of Commons, *Official Report*, 17 November 2004, column 94WS.

¹⁰⁰ Letter Hoon to Straw, 2 November 2004, [untitled].

149. On 3 November, Mr Blair told the House of Commons that “we do not accept the figures released by *The Lancet* ... at all”.¹⁰¹ Mr Blair went on to cite the figures released by the Iraqi Minister of Health.

150. The following day, Mr Straw said on *Today* that “our people are still looking into it [the *Lancet* study], the epidemiologists and statisticians”.¹⁰² Mr Straw also said that he would make the Government’s assessment available to Parliament.

151. An IPU official provided advice to Mr Straw’s Private Secretary on 4 November on how Mr Straw might respond to Mr Hoon’s letter of 2 November, which had proposed that the FCO should have responsibility for the issue of civilian casualties.¹⁰³

152. In that context, the official reported on the options for producing the assessment of the *Lancet* study that Mr Straw had promised to provide to Parliament:

“One option ... is that we rely on assessments from the Iraqi Ministry of Health; another is that we draw on the help of MOD experts. We already have the views of the MOD Chief Scientific Adviser ... It is not a promising start. We are awaiting a report from the Iraqi Ministry of Health setting out their assessment of civilian casualties; we believe this will be a better line of response.”

153. Mr Quarrey passed a transcript of a *Newsnight* discussion on the *Lancet* study to Mr Blair on 5 November.¹⁰⁴

154. Mr Blair commented: “We must get robust lines on numbers killed since the war and on number of airstrikes.”¹⁰⁵

155. Mr Quarrey wrote to Mr Straw’s Private Secretary on 8 November to confirm that the FCO should lead on the issue of civilian casualties.¹⁰⁶ Mr Quarrey reported that Mr Blair remained concerned that the UK was not getting across its message about “the extent of insurgent/foreign terrorist responsibility for civilian deaths”, and that Mr Blair wanted the FCO to develop a “quicker and more forceful response to claims about civilian deaths that we regard as unfounded (e.g. the *Lancet* claims)”.

156. Mr Dominic Asquith, FCO Director Iraq, advised Mr Straw later that day that he should challenge that allocation of responsibility.¹⁰⁷

157. Mr Asquith said that MNF-I produced a daily update on operations which included details of civilian casualties (killed and wounded). The MOD itself produced the figures

¹⁰¹ House of Commons, *Official Report*, 3 November 2004, column 301.

¹⁰² *The Today Programme*, 4 November 2004.

¹⁰³ Minute IPU [junior official] to FCO [junior official], 4 November 2004, ‘Civilian Casualties in Iraq: Letter to Geoff Hoon’.

¹⁰⁴ Minute Quarrey to Prime Minister, 5 November 2004, ‘Iraq: Update’.

¹⁰⁵ Manuscript note Blair on Minute Quarrey to Prime Minister, 5 November 2004, ‘Iraq: Update’.

¹⁰⁶ Letter Quarrey to PS/Straw, 8 November 2004, ‘Iraq: Civilian Casualties’.

¹⁰⁷ Minute Asquith to PS/Straw, 8 November 2004, ‘Iraq: Civilian Casualties’.

for MND(SE). PJHQ collated the daily MNF-I reports for the weekly Chiefs of Staff meeting.

158. The Cabinet Office was currently overseeing a trial to determine civilian casualties in MND(SE). The MOD was, however, arguing that it could not provide either the MNF-I or its own MND(SE) casualty figures to the exercise, as the US military did not allow publication of country-wide information on civilian casualties on security grounds. The MNF-I figures would in any case be unlikely to be comprehensive and did not show who was responsible for civilian casualties.

159. The UK's current line was to rely on Iraqi MOH figures, though that might not be sustainable in the face of increasing Parliamentary, NGO and media demands that the UK release its own statistics. The current military operation in Fallujah was increasing pressure on MNF-I to prove that it was making every effort to minimise civilian casualties, and:

“There will be seen to be a certain plausibility in the argument that we can only do so if we can provide credible (i.e. our own) figures for casualties.”

160. Mr Asquith concluded that any estimate of casualties, other than from MOH and NGO sources, would have to come from MNF-I, which was deployed throughout Iraq. But the MOD had ruled out the use of the MNF-I figures. If the MOD felt there were good reasons for holding back its own figures for MND(SE), it (rather than the FCO) should explain those reasons to Parliament and to the public.

161. Mr Asquith continued that if the FCO did accept the lead on handling civilian casualty issues, it should be on three conditions:

- “(a) MOD to explore with DoD [the US Department of Defense] reverting to the practice at the time of the first Gulf War when civilian casualties were released into the public domain.
- (b) If DoD refuses, MOD to explain publicly (to Parliament) why it is not possible to produce estimates from MNF-I sources.
- (c) FCO to lead on the handling of civilian casualties ... But Ministers should be clear that, in the absence of releasable data from military sources, we will be heavily dependent on figures from the Iraqi MOH which will not be comprehensive ...”

162. Mr Asquith advised Mr Straw in a separate minute on the same day:

“Legal Advisers say there are no obligations to report civilian casualties in the Fourth Geneva Convention ... or under any other provision of international humanitarian law.

“While it is essential in advance of any particular attack to assess the likely civilian casualties, there is no obligation after the event to make any assessment of either

the civilian casualties resulting from the attacks or of the overall civilian casualties of a conflict.”¹⁰⁸

163. Also on 8 November, Mr Straw chaired a meeting with FCO officials including Mr Creon Butler, the FCO’s Chief Economist, to discuss the scope of a Written Ministerial Statement that he would make on 17 November, responding to the *Lancet* study.¹⁰⁹

164. After the meeting, Mr Butler sent Mr Straw’s Private Secretary his “initial thoughts” on the *Lancet* study.¹¹⁰ Mr Butler stated that “the statistical methodology appears sound” and concluded:

“In commenting on the study we should certainly continue to emphasise the considerable uncertainty around the central estimate [of 98,000 excess deaths] (reflecting the small sample size), as well as the lack of corroborating evidence – particularly evidence of injured in the numbers one might expect. We could also highlight some of the factors which might bias the study towards an over-estimate of deaths. However, there are as many reasons why the study might be biased in the other direction (so probably safer not to go down this road).”

165. Mr Butler stated that the “lack of corroborating evidence” related in particular to the apparent mismatch between the central estimate of 98,000 excess deaths and the much lower estimates based on press reporting and the lack of anecdotal evidence for large numbers of injured Iraqi citizens attending Iraqi hospitals. The latter mismatch was “much harder to explain”.

166. Mr Butler considered how the estimates presented in the *Lancet* study might be validated and refined using data from other sources. He concluded:

“In the absence of a detailed census (impossible in the current security environment), the best way of narrowing down the uncertainty ... is likely to be to conduct a similar survey with a significantly larger sample.”

167. On 9 November, the MOD sent the Cabinet Office a summary of incident reports for MND(SE) for the seven days up to 7 November, as part of the trial monitoring period.¹¹¹ There had been no incidents involving civilian fatalities; two civilians had been injured in an (unspecified) accident.

168. On 11 November, Mr Blair, Mr Straw and Mr Hoon discussed which department should be responsible for work on casualty figures.¹¹² After the meeting, Mr Straw’s Private Secretary asked Sir Michael Jay, the FCO Permanent Under Secretary, to liaise

¹⁰⁸ Minute Asquith to PS/Straw, 8 November 2004, ‘Iraq: Civilian Casualties’.

¹⁰⁹ Email Owen to Asquith, 8 November 2004, ‘Iraq: Casualties’.

¹¹⁰ Minute Butler to PS/Foreign Secretary, 8 November 2004, ‘Counting Iraqi Casualties’.

¹¹¹ Letter MOD [junior official] to Cabinet Office [junior official], 9 November 2004, ‘Civilian Casualties’.

¹¹² Letter PS/Straw to PS/PUS [FCO], 15 November 2004, ‘Iraq: Casualty Figures’.

with Sir Kevin Tebbit, MOD Permanent Under Secretary, to secure the MOD's agreement to take on that responsibility.

169. At Cabinet on 11 November, Mr Straw told colleagues that he would be making a Written Ministerial Statement on the estimate of civilian casualties published by *The Lancet*, and that he proposed to make more use of the Iraqi MOH figures, which were "more reliable".¹¹³

170. On 12 November, the Iraq Senior Officials Group agreed that there was "potential advantage" in making more use of the Iraqi MOH's figures, but the UK needed to recognise the presentational difficulties of using those figures while "using US figures for internal planning purposes without publicly acknowledging their existence".¹¹⁴ It would be useful to compare the MOH figures with those produced for the Chiefs of Staff by PJHQ.

171. Mr Straw issued a Written Ministerial Statement on 17 November, responding to the *Lancet* study.¹¹⁵ Mr Straw stated that during the period of major combat operations, the Coalition had made every effort to minimise civilian casualties. He continued:

"Casualties – civilian and military – which have occurred since major combat operations ended on 1 May 2003 have done so directly as a result of those determined to undermine the political process."

172. Mr Straw rejected the suggestion in the *Lancet* study that there was a legal obligation (deriving from Article 27 of the fourth Geneva Convention) for the MNF-I to assess civilian casualties.

173. Mr Straw stated that the UK Government shared the Iraqi Minister of Health's view, expressed in his 29 October statement, that the MOH's information was the most reliable available. The "running estimate" provided by IBC "suggested" that between 14,284 and 16,419 Iraqi civilians had died since March 2003. While that was "an estimate relying on media reports, and which we do not regard as reliable", IBC's figures did show that the Iraqi MOH's figures were not the only ones to differ widely from those presented in the *Lancet* study.

174. Mr Straw stated that the methodology used in the *Lancet* study had passed *The Lancet's* peer review process and was similar to that used in other cases, but questioned the data that the survey had produced and hence the findings of the study.

175. Dr John Reid, the Health Secretary, sent an assessment of the *Lancet* study to Mr Straw on 29 November.¹¹⁶ The assessment, which Dr Reid said he had personally

¹¹³ Cabinet Conclusions, 11 November 2004.

¹¹⁴ Record, 12 November 2004, Iraq Senior Officials Group.

¹¹⁵ House of Commons, *Official Report*, 17 November 2004, column WS61.

¹¹⁶ Letter Reid to Straw, 29 November 2004, [untitled], attaching Paper, [undated], 'Mortality Before and After the 2003 Invasion of Iraq: Cluster Sample Survey'.

commissioned, had been produced by Dr Bill Kirkup, one of the Department of Health's Regional Directors of Public Health and its lead on health in Iraq.

176. Dr Kirkup's assessment was more detailed and more critical of the *Lancet* study than the assessments undertaken earlier by Professor Anderson and Mr Butler. He stated:

"Less than a thousand [households] ... is a small number on which to base death rates ... The confidence intervals are correspondingly very wide ... A confidence interval this large makes the meaning of the estimate very difficult to interpret ...

"Cluster sampling may not be appropriate when there is a large element of discontinuity in the population experience. Clearly, some parts of Iraq have seen much more violence than others ..."

177. Dr Kirkup stated that, according to his calculations, the study's conclusion that "violence accounted for most of the excess deaths" was only true if the "bizarre" Fallujah cluster was included (the study stated that that cluster was not included in its central estimate of 98,000 excess deaths). Dr Kirkup calculated that if the Fallujah cluster was not included, just over 23,000 of the 98,000 estimated excess deaths were due to violence.

178. Dr Kirkup stated that it was not possible, from the data provided in the study, to confirm the study's conclusion that "air strikes from coalition forces accounted for most violent deaths".

179. Dr Kirkup explained his characterisation of the Fallujah projection as "bizarre". The study estimated that there had been 200,000 excess deaths in Fallujah (using the same techniques as for other areas). That would represent a loss of nearly 28 percent of the population of Fallujah in just 14 months. Dr Kirkup commented: "Something has plainly gone so badly wrong with the estimates in Fallujah that it must cast doubt on the validity of the rest of the findings."

180. Dr Kirkup concluded:

"... the paper suffers from wide confidence intervals, dubious methodology, the likelihood of significant respondent bias and results that are disastrously skewed by the Fallujah outlier. The authors have been tempted into extrapolations based on shaky data that lack face validity, and in two cases are not even borne out by their own results."

Indirect effects of conflict on public health

The health charity Medact considered the direct and indirect effects of the conflict in Iraq in its November 2003 report *Continuing collateral damage: the health and environmental costs of war on Iraq 2003*.¹¹⁷ That report outlined the indirect effects on health arising from:

- damage to the environment, including through the use of depleted uranium ammunition;
- damage to Iraq's water and sanitation and power infrastructure;
- the continuing risk of malnutrition and food insecurity;
- damage to housing; and
- damage to health services.

The report stated that 7 percent of hospitals had been damaged during the major combat phase of operations, and 12 percent had been looted. UNICEF had reported that the conflict had led to the breakdown of the cold chain system for storing vaccines, which meant that some 210,000 newborns had had no immunisations and were at risk from preventable diseases such as measles.

The report also outlined the physiological and social impacts of the war, and suggested that Iraq would experience a rise in behavioural and emotional disorders.

Although the report did not attempt to quantify those indirect effects, many of which would only become apparent over the long term, it concluded that they could prove to be more significant than the direct effects.

The report made a number of recommendations, including:

- “• Establish health information systems to monitor disease incidence and examine disease patterns in order to plan effective public health interventions.
- Carry out an assessment of the country's chemical risks and levels of contamination in addition to surveillance of health effects of environmental risk factors including depleted uranium.
- Fund and rapidly implement the clear-up of all unexploded ordnance.
- Study long-term effects of the war on mental health and trends in domestic and criminal violence, and develop effective health care and social policy interventions.
- Fund independent academic institutions or UN agencies to continue monitoring the health effects of war.”

181. Discussions continued between senior officials in the FCO and MOD over who should have responsibility for answering questions on civilian casualties.

182. The “Count the Casualties” campaign was launched by Medact and IBC on 8 December, through an open letter to Mr Blair.¹¹⁸ The letter stated that without counting

¹¹⁷ Medact, November 2003, *Continuing collateral damage: the health and environmental costs of war on Iraq 2003*.

¹¹⁸ Letter Medact to Blair, 8 December 2004, [untitled].

the dead and injured, it was not possible to know whether the UK was meeting its obligations under international humanitarian law to protect the civilian population in Iraq. It urged the Government to commission a comprehensive, independent inquiry to determine how many Iraqi citizens had died or been injured since March 2003, and the cause of those casualties.

183. The campaign also argued that information on casualties was needed to plan healthcare in Iraq.¹¹⁹

184. At Prime Minister's Questions on the same day, Mr Blair said that he did not agree that the UK needed to hold a full, independent inquiry into civilian casualties to comply with its international legal obligations, and stated that the figures from the Iraqi MOH were the most accurate available.¹²⁰ He continued:

“... those who are killing innocent people in Iraq today ... are the terrorists and insurgents ... Any action that the multinational force or the Iraqi Army is taking in Iraq is intended to defeat those people ...”

185. The IPU provided the Cabinet Office with a contribution to the Cabinet Office trial on 13 December.¹²¹ The IPU analysis captured casualty figures for the five weeks from 1 November, sourced from the Iraqi MOH, the BBC, IBC, the Iraq Coalition Casualty Count project and Sky News. The casualty figures were broken down into two categories: killed by insurgents; and killed by coalition forces.

186. The total casualty figures produced by the Iraqi MOH were the highest among the five sources in four of the five weeks.

187. The figures produced by the Iraqi MOH showed that casualties caused by the coalition were higher than casualties caused by insurgents in four of the five weeks. Figures from all other sources showed that casualties caused by insurgents were higher than casualties caused by the coalition in all five weeks.

188. The IPU commented that, apart from the Iraqi MOH, the sources were “of no real value”. The comparison of the figures did suggest, however, that the Iraqi MOH figures were incomplete. This could be due to delayed reporting of deaths at hospitals or bodies not being taken to hospitals. The Iraqi MOH had reported that its figures did not include the Kurdish provinces.

189. The IPU also commented that the analysis would not answer the demands from MPs and others that the UK should produce its own estimate of Iraqi civilian casualties. The only way a proper comparative analysis of the Iraqi MOH figures could be made was to set them alongside figures produced by the US and UK military.

¹¹⁹ Count the Casualties, 8 December 2004, *46 prominent figures call on Prime Minister to commission independent inquiry into Iraqi casualties*.

¹²⁰ House of Commons, *Official Report*, 8 December 2004, column 1164.

¹²¹ Letter IPU [junior official] to Cabinet Office [junior official], 13 December 2004, ‘Iraq: Civilian Casualties’.

190. The Inquiry has seen no indications that the Cabinet Office trial was taken further.

191. A detailed brief on civilian casualties produced for Mr Blair on 18 December in advance of his visit to Iraq made no mention of the trial or its conclusions.¹²²

192. An IPU official informed Mr Straw's Private Office on 15 December that the MOD was now ready to "step forward and explain why it is impossible for us to use our military assets in Iraq to get an estimate [of civilian casualties]".¹²³ The official commented that this was welcome. It would force the MOD to take some responsibility for managing one of the "bear-traps" in the UK's existing policy:

"... although we say there are no reliable estimates of civilian casualties in Iraq, there are estimates of a kind that are made by MND(SE) and others made by the Pentagon. They're unreliable but are used for military planning purposes as evidence of trends ..."

193. Mr Ingram made that statement on 27 January 2005, in response to a question from Mr Peter Kilfoyle.¹²⁴ Mr Ingram stated that an analysis of incident reports between 1 May 2003 and 26 November 2004 indicated that 200 Iraqi citizens believed to have been enemy combatants had died, and 80 had been injured, in incidents where military force had been deliberately applied by UK forces. Five Iraqi citizens believed not to have been enemy combatants had died, and a further 13 had been injured, in incidents during the course of which military force had been deliberately applied by UK forces. These figures did not necessarily indicate that UK forces caused the casualties, only that they recorded them during the course of incidents in which deliberate military force was applied.

194. Mr Ingram also stated that 17 Iraqi citizens believed to have been enemy combatants had died, and 22 had been injured, during the course of other incidents, and 144 Iraqi citizens believed not to have been enemy combatants had died, and 192 had been injured, during the course of other incidents. This included the full range of incidents in which UK forces had been involved but where no deliberate military force had been applied, for example Improvised Explosive Device attacks by insurgent forces on civilian targets, road traffic accidents and in one case the discovery in May 2003 of a mass grave, thought to date back to 1991, containing 32 bodies.

195. Mr Ingram stated that those figures should not be taken as an accurate estimate of Iraqi casualties; they captured only those casualties which were witnessed or discovered by UK forces. The figures did not include the major combat operations phase of Op TELIC, prior to 1 May 2003, for which incident reports were not routinely submitted when casualties were "discovered".

¹²² Minute Quarrey to Prime Minister, 18 December 2004, 'Your Visit to Iraq' attaching Briefing, [undated], 'Civilian Casualties'.

¹²³ Email IPU [junior official] to PS/Straw, 15 December 2004, 'Civilian Casualties: MOD Line'.

¹²⁴ House of Commons, *Official Report*, 27 January 2005, column 541W.

196. Ms Short (who had resigned as International Development Secretary in May 2003) wrote to Mr Straw on 13 January 2005 to express her support for the Count the Casualties campaign.¹²⁵

197. Mr Straw replied on 3 March:

“We have never made our own assessment of Iraqi casualties ... This is because, after careful consideration of the different means of calculating casualties, we decided that the current circumstances would prevent a valid assessment by the UK ...”¹²⁶

198. Mr Straw advised that the MOD had now published overall casualty figures drawn from military incident reports. The UK military aimed to minimise civilian casualties by using careful targeting procedures. Target clearance procedures considered targets on an individual basis; the MOD did not believe that an estimate of casualties in Iraq as a whole would help them to evaluate those targeting procedures.

199. Mr Asquith discussed civilian casualties with Dr Kirkup on 21 March.¹²⁷ Dr Kirkup “rebutted” the suggestion that an accurate assessment of casualties would be “an essential element of assessing and improving the current health situation in Iraq”. He confirmed that the Iraqi MOH’s figures provided “the most reliable assessment [of casualties] currently available”.

200. Dr Kirkup identified four sources of information on casualties:

- the Iraqi MOH’s systems for recording deaths, which had been reasonably sound before the conflict but had “taken a serious hit” and were only now recovering;
- civil registration (death certificates): there was no reliable civil registration system;
- surveys: the security situation was not conducive to effective research, in particular by limiting the scope to obtain the necessary range of data and by introducing interviewee bias; and
- figures from the military: “[those] would help to provide a more complete picture of the causes of death and whether deaths had actually occurred. When dealing with incomplete data it is important to have as many sources as possible.”

201. Mr Asquith and Dr Kirkup also considered possible areas of assistance to the Iraqi health service, including data collection and analysis.

202. The record of the meeting concluded: “Our position on assessing Iraqi casualty figures reinforced.”

¹²⁵ Letter Short to Straw, 13 January 2005, ‘Count the Call’.

¹²⁶ Letter Straw to Short, 3 March 2005, [untitled].

¹²⁷ Minute FCO [junior official] to Asquith, 22 March 2005, ‘Iraq Casualties: Director Iraq’s Meeting with Dr Bill Kirkup, 21 March 2005’.

203. IBC published *A Dossier of Civilian Casualties 2003 – 2005* in July 2005.¹²⁸ The dossier stated that 24,865 civilians had been reported killed in the two years from 20 March 2003 to 19 March 2005, almost all of them as a direct result of violence.

204. Of the 13,811 fatalities for which IBC had age and gender information, 11,281 (81.7 percent) had been male (including the elderly) and 1,198 (8.7 percent) had been female (including the elderly). A total of 1,281 (9.3 percent) had been children and 51 (0.4 percent) babies.

205. The dossier also provided a breakdown of who had killed those civilians. That breakdown is reproduced in the table below.

Table 1: Civilian fatalities by category

	Killers by category	Number killed	Percentage of total
1	US-led forces alone	9,270	37.3
2	Anti-occupation forces alone	2,353	9.5
3	Both US-led and anti-occupation forces involved	623	2.5
4	Iraqi MOH-defined “military actions”	635	2.5
5	Iraqi MOH-defined “terrorist attacks”	318	1.3
6	Predominantly criminal killings	8,935	35.9
7	Unknown agents	2,731	11.0
	Total deaths	24,865	100.0

206. The “unknown agents” category included attacks which apparently targeted only civilians and lacked any identifiable military objective – for instance suicide bombs in markets and mosques, or attacks apparently motivated by personal or inter-group vendettas. The category also included 334 individual killings where media reports provided no clear information about the killer. This category was likely to overlap with others.

207. The dossier reported that 98.5 percent of deaths caused by US-led forces were attributable to the US and 1.5 percent of deaths were attributable to other coalition forces including the UK.

208. The dossier also stated that in incidents for which both death and injury information was available, it had recorded 42,500 injuries (of all kinds) against 13,424 deaths, a ratio of over 3 to 1.

¹²⁸ Iraq Body Count, July 2005, *A Dossier of Civilian Casualties 2003 – 2005*.

209. IBC stated in the introduction to the dossier that:

“Assurances that military forces ‘make every effort to avoid civilian casualties’ are no substitute for real data-gathering and analysis, and can have no basis without it. On the eve of the invasion Tony Blair stated that ‘[Saddam Hussein] will be responsible for many, many more deaths even in one year than we will be in any conflict’. Only data such as presented here will allow a realistic evaluation of such predictions.”

210. The US Government was required under the Emergency Supplemental Appropriations Act 2005 to provide quarterly reports to Congress on political, economic and security progress in Iraq.¹²⁹

211. The second quarterly report, in October 2005, included a graph showing the average daily number of coalition and Iraqi casualties caused by insurgents since 1 January 2004.¹³⁰ The report did not provide the data used to produce that graph.

212. On the basis of that graph, *The New York Times* estimated that over 25,000 Iraqi civilians and members of the Iraqi Security Forces had been killed and wounded by insurgents since 1 January 2004.¹³¹ *The New York Times* stated that that was fewer than reported by the Iraqi MOH and IBC.

213. A Pentagon spokesperson stated that the figures were compiled from reports filed by coalition military units after they responded to attacks. Those reports did not provide a comprehensive account of Iraqi casualties, but did provide information on trends in casualties resulting from insurgent attacks.

214. *The New York Times* reported that the graph had been included in the quarterly report as a result of specific questions posed by Congressional staff, and commented that its disclosure was significant as it showed that the US military was tracking Iraqi casualties, having “previously avoided virtually all public discussion of the issue”.

215. In subsequent quarterly reports to Congress, the Pentagon updated that graph and added a breakdown of casualties by province.¹³²

216. In June 2006, the UK Government signed the Geneva Declaration on Armed Violence and Development.¹³³ Signatories resolved to take action to reduce armed violence and its negative impact on socio-economic and human development, including by supporting initiatives “to measure the human, social and economic costs of armed violence, to assess risks and vulnerabilities, to evaluate the effectiveness of armed violence reduction programmes, and to disseminate knowledge of best practices”.

¹²⁹ Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

¹³⁰ Report to Congress, October 2005, ‘Measuring Stability and Security in Iraq’.

¹³¹ *The New York Times*, 30 October 2005, *US quietly issues estimate of Iraqi civilian casualties*.

¹³² Report to Congress, May 2006, ‘Measuring Stability and Security in Iraq’.

¹³³ Geneva Declaration on Armed Violence and Development, 7 June 2006.

217. The UK became one of 15 members of the “Core Group” charged with steering the Geneva Declaration process and guiding its implementation.¹³⁴

218. *The Lancet* published the second Johns Hopkins Bloomberg School of Public Health cluster sample survey of excess mortality in Iraq (direct and indirect, violent and non-violent deaths) on 12 October 2006.¹³⁵ The first Johns Hopkins study had been published by *The Lancet* in October 2004.

219. The second study used the same (cluster sample survey) methodology as the first study, but was based on a larger sample (1,849 households as against 988 in the first study).

220. The study estimated that between March 2003 and June 2006, there had been 654,965 excess Iraqi deaths and 601,027 excess violent Iraqi deaths as a consequence of the war. The study attributed 31 percent of violent excess deaths to the coalition, 24 percent to “other” and 45 percent to “unknown”. The study also concluded that levels of violence were increasing.

Criticisms of the *Lancet* studies

The 2004 and 2006 Johns Hopkins Bloomberg School of Public Health studies published by *The Lancet* have been subject to several criticisms. The most significant are:

- That the baseline pre-invasion mortality rate used by the studies was lower than the actual pre-invasion mortality rate, leading to an over-estimation of excess mortality in the post-invasion period. The second study used a pre-invasion mortality rate of 5.5 deaths per thousand people.¹³⁶ The 2008 Iraq Family Health Survey (IFHS) used a figure of nine deaths per thousand.¹³⁷
- That the sample sizes were too small. The 2004 *Lancet* study (central estimate 98,000 excess deaths) surveyed 988 households and the 2006 *Lancet* study (central estimate 655,000 excess deaths) surveyed 1,849 households. The 2008 IFHS (central estimate 151,000 excess violent deaths) surveyed 9,345 households. The IFHS team highlighted the implications of that difference in scale: “The estimated number of deaths in the IFHS is about three times as high as that reported by the Iraq Body Count. Both sources indicate that the 2006 study by Burnham et al [the second *Lancet* study] considerably overestimated the number of violent deaths. For instance, to reach the 925 violent deaths per day reported by Burnham et al for June 2005 through June 2006, as many as 87 percent of violent deaths would have been missed in the IFHS and more than 90 percent in the Iraq Body Count. This level of underreporting is highly improbable, given the internal and external consistency of the data and the much larger same size and quality-control measures taken in the implementation of the IFHS.”

¹³⁴ Geneva Declaration on Armed Violence and Development website, *How does it work*.

¹³⁵ Burnham G, Lafta R, Doocy S and Roberts L. Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey. *The Lancet* **368**: 1421-1428 (2006).

¹³⁶ Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

¹³⁷ Iraq Family Health Survey Study Group. Violence-Related Mortality in Iraq from 2002 to 2006. *The New England Journal of Medicine* **358**: 484-493 (2008).

221. An Iraqi Government spokesperson commented on 12 October that “these figures [in the study] are unrealistic and give a very exaggerated picture”.¹³⁸

222. A DFID Statistics Adviser provided advice on the study to IPU on 12 October, at their request.¹³⁹ He concluded that “in essence, the method is tried and tested”.

223. Professor Anderson provided his views on the study the following day.¹⁴⁰ He stated that he had received comments on the study from an independent expert on statistical epidemiology and demography. Professor Anderson advised:

“... the study design is robust and employs methods that are regarded as close to ‘best practice’ in this area, given the difficulties of data collection and verification in the present circumstances in Iraq ... The methods are an improvement on those used in the 2004 *Lancet* article by the same author ...”

224. Professor Anderson advised that deaths were much more prevalent among adolescent to middle-aged men and suggested that bias might remain with respect to the level of non-combatant mortality.

225. Professor Anderson concluded that, given the reasonably robust study design and appropriate analysis methods, the UK Government should be cautious in publicly criticising the *Lancet* study.

226. An IPU official produced a brief on the study for Mr Blair later on 13 October.¹⁴¹ The brief summarised the advice from the DFID Statistics Adviser and Professor Anderson, and identified several “key points”:

- “• ... People are dying at the hands of those who choose violence to pursue their aims ...
- There are conflicting estimates [of the number of civilian casualties] from a number of sources, and no comprehensive or accurate figures;
- The numbers that the *Lancet* has extrapolated are a substantial leap from other figures. There is no reason to assume the *Lancet* figure is any more accurate than any other is.”

227. The same IPU official wrote to colleagues on 16 October:

“... we do not (not) accept that the figures quoted in the *Lancet* survey are accurate ... The figures are extraordinarily high and significantly larger than the figures quoted by the Iraq Body Count or Iraqi Government – however the survey methodology used here cannot be rubbished, it is a tried and tested way of

¹³⁸ Briefing IPU, 13 October 2006, ‘*The Lancet*: Iraq: a Cross-Sectional Cluster Survey Sample’.

¹³⁹ Email DFID [junior official] to FCO [junior official], 12 October 2006, ‘Foreign Secretary Comment on the *Lancet* Report’.

¹⁴⁰ Minute APS/CSA to DJC-Sec10, 13 October 2006, ‘Iraq – Mortality After the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey – *Lancet* October 2006’.

¹⁴¹ Briefing IPU, 13 October 2006, ‘*The Lancet*: Iraq: a Cross-Sectional Cluster Survey Sample’.

measuring mortality in conflict zones. The overriding message is that there are no accurate or reliable figures of deaths in Iraq.”¹⁴²

228. On 18 October, in response to a Parliamentary Question from Sir Menzies Campbell, Mr Blair stated:

“It is correct that innocent civilians are dying in Iraq. But they are not being killed by British soldiers. They are being killed by terrorists and those from outside who are supporting them ...”¹⁴³

229. Researchers at Oxford University (Mr Sean Gourley and Professor Neil Johnson) and Royal Holloway, University of London (Professor Spagat) issued a press release on 19 October, claiming that there were “serious flaws” in the methodology used by the *Lancet* study which acted to inflate its casualty estimate.¹⁴⁴

230. In response to a question from Mr Jeremy Corbyn on 6 November, Mr Ingram set out the Government’s position on the *Lancet* study:

“Maintaining records of civilian deaths in Iraq is ultimately a matter for the Government of Iraq and we believe they are best placed to monitor the situation. The *Lancet* report is one of a number of recent studies ... none of which can be regarded as definitive. The figures in the *Lancet* report are significantly higher than other casualty estimates.”¹⁴⁵

231. Professor Anderson revisited the *Lancet* study in March 2007, following Mr Straw’s request for further advice on the study in the light of the public exchanges since its publication.¹⁴⁶ Professor Anderson wrote to Mr Straw on 19 March, stating that while there was “clearly a possibility of [sampling] bias”:

“I reiterate my earlier advice, which acknowledged that bias and moderate confidence bounds remain in the study, and that at this stage I see no value in either criticising the study or engaging in the public debate.”

232. Later that month, following the release of papers relating to the *Lancet* study under the Freedom of Information Act, the Government was asked how it could accept the *Lancet* study’s methodology but reject its findings.¹⁴⁷ A Government spokesperson responded:

“The [*Lancet* study] methodology has been used in other conflict situations, notably the Democratic Republic of Congo. However, the *Lancet* figures are much higher

¹⁴² Email FCO [junior official] to FCO [junior official], 16 October 2006, ‘PMQs Deaths of Iraqis’.

¹⁴³ House of Commons, *Official Report*, 18 October 2006, column 869.

¹⁴⁴ Oxford University/Royal Holloway, University of London, 19 October 2006, *Lancet study fundamentally flawed: death toll too high*.

¹⁴⁵ House of Commons, *Official Report*, 6 November 2006, column 810W.

¹⁴⁶ Minute Anderson to Hickey, 19 March 2007, ‘Iraq: Mortality After the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey – *Lancet* October 2006’.

¹⁴⁷ *BBC*, 26 March 2007, *Newshour special investigation – Iraq civilian casualties*.

than statistics from other sources, which only goes to show how estimates can vary enormously according to the method of collection. There is considerable debate amongst the scientific community over the accuracy of the figures.”

233. General David Petraeus, Commanding General MNF-I, presented Congress with his assessment of the US troop surge on 10 September 2007.¹⁴⁸ He highlighted the “considerable data collection and analysis ... using a methodology that has been in place for well over a year and that has benefitted over the past seven months from the increased presence of our forces living among the Iraqi people” which underpinned his assessment, and offered Congress statistics on the number of violent civilian deaths and “ethno-sectarian” deaths.

234. Colonel Steven Boylan, Gen Petraeus’ spokesman, provided details of that methodology to *The Washington Post* later that month.¹⁴⁹ Col Boylan reported that the statistics quoted by Gen Petraeus drew on data which combined “unverified” Iraqi reports and coalition Significant Activities reports (SIGACTS).

235. A 2008 RAND report, sponsored by the Office of the US Secretary of Defense, considered the argument for documenting civilian casualties.¹⁵⁰ The report stated:

“Because protecting the population is one of the central tenets of US COIN [counter-insurgency] doctrine, it can be surmised that trends related to Iraqi civilian fatalities should be a chief concern for the U.S. military.”

236. RAND reviewed a number of studies of civilian casualties, including the two *Lancet* studies, the 2008 Iraq Family Health Survey (IFHS) Study Group and IBC. RAND went on to present its own dataset, which combined the RAND Terrorism Knowledge Base with the IBC dataset. RAND drew a number of observations and conclusions from the consolidated dataset, including that:

- The US military had devoted considerable effort to defeating Improvised Explosive Device (IEDs), yet IEDs accounted for only 5 percent of civilian fatalities in 2006. Firearms accounted for 58 percent of civilian deaths in 2006. RAND concluded that while measures to defeat IEDs might save coalition lives, they might not be useful for reducing civilian fatalities; the coalition and the Iraqi Government needed to implement measures to counter the types of attacks that were claiming civilian lives.
- The insurgency was specifically targeting the Iraqi Government and the Iraqi economy. Over 30 percent of insurgent attacks were aimed at these two aspects of the Iraqi polity.

¹⁴⁸ Gen David H. Petraeus, Commander, MNF-I, *Report to Congress on the Situation in Iraq*, Washington, D.C.: U.S. House of Representatives, Committee on Foreign Affairs and the Committee on Armed Services, 10-11 September 2007.

¹⁴⁹ *The Washington Post*, 22 September 2007, *Statement by Colonel Steven A. Boylan, spokesman for General David Petraeus, commander, Multi-National Force-Iraq, to the Fact Checker*.

¹⁵⁰ RAND, 2008. *An Argument for Documenting Casualties: Violence Against Iraqi Civilians 2006*.

- Most violence was directed at “for lack of a better word, the common Iraqi civilian”. For over 50 percent of the individuals killed in 2006 there was “... no identifying data, no apparent or recorded reason, and no discernible affiliation or target. All we know of these people is that they were killed; this fact alone suggests that our capacity to understand, analyze, and effectively respond to the bloodshed is limited by a lack of information.”

237. In April 2009, researchers from King’s College London, Royal Holloway, University of London and IBC used IBC’s record of Iraqi non-combatant civilian deaths to analyse the nature and effects of various weapons.

238. The researchers concluded that in events with at least one Iraqi non-combatant civilian casualty, the methods that killed the most non-combatant civilians per event were aerial bombing (17 per event), combined use of aerial and ground weapons (17 per event) and suicide bombers on foot (16 per event). Aerial bombs killed on average nine more non-combatant civilians per event (17) than aerial missiles (8). The team commented:

“It seems clear from these findings that to protect civilians from indiscriminate harm, as required by international humanitarian law ... military and civilian policies should prohibit aerial bombing in civilian areas unless it can be demonstrated – by monitoring of civilian casualties for example – that civilians are being protected.”

The WikiLeaks Iraq War Logs

On 22 October 2010, WikiLeaks released 391,832 US Army Field Reports, covering the period from 1 January 2004 to 31 December 2009 (except for the months of May 2004 and March 2009).¹⁵¹ WikiLeaks stated that the Field Reports detailed 109,032 deaths in Iraq over that period, comprising:

- 66,081 “civilian” deaths;
- 23,984 “enemy” deaths (“those labelled as insurgents”);
- 15,196 “host nation” deaths (Iraqi Government forces); and
- 3,771 “friendly” deaths (coalition forces).

IBC reported that, based on an “early analysis”, the Field Reports contained 15,000 previously unreported civilian deaths.¹⁵² Once a full analysis was complete, casualty data would be integrated into IBC’s record.

IBC stated that the majority of the previously unreported deaths came from small incidents comprising one to three deaths. That was not unexpected, as larger incidents attracted more media coverage than smaller incidents.

¹⁵¹ WikiLeaks, 22 October 2010, *Iraq War Logs*.

¹⁵² Iraq Body Count, 22 October 2010, *15,000 previously unknown civilian deaths contained in the Iraq war Logs released by WikiLeaks*.

Witness comment

239. The Inquiry asked Mr Ingram, Minister for the Armed Forces from June 2001 to June 2007, why the UK Government had been unable to produce an estimate of civilian casualties when other organisations including NGOs and academic organisations had done so, in particular given the public interest on the issue.¹⁵³

240. Mr Ingram told the Inquiry:

“The idea that somehow or other an NGO is the fount of all wisdom and knowledge and accuracy I don’t think stands up.

“So if we were going to take the figures from external sources, then we would have had to put effort and verification into that. Should we have done so? Perhaps, yes, and I’m not so sure it wasn’t being done ...”

241. Mr Ingram added that establishing the number of civilian casualties would not have changed the reality on the ground:

“... the concept of ground truth is absolutely vital in this and, by establishing that fact, wouldn’t have altered where we were. Because we couldn’t, in one sense, easily have stopped the civilian casualties because it wasn’t being carried out by us on the civilians, it was being carried out by the tribal wars, the family feuds, by the Sunni/Shia factionalism that was taking place, by the Shia on Shia factionalism that was taking place, but we ... were being vilified, attacked and criticised that we had precipitated all of this.

“I have to say I believe that to be a false logic, because that may have happened at any time under Saddam Hussein and, therefore, the establishment of the facts perhaps should have been carried out by – elsewhere in Government. I don’t really think it was an MOD function in that sense.”

242. The Inquiry asked Mr Ingram whether the Government would not have been better placed than external organisations to develop credible estimates of civilian casualties, and asked which department within government should have been responsible for producing such estimates. Mr Ingram told the Inquiry:

“You [the responsible department] have then to go to the hospitals. You then have to put civilians or a military person at that hospital counting the bodies in and the bodies out. So you need force protection to do that. You put people at risk to do that. Is that what people wanted, soldiers or civilians being killed at hospitals? Because they would have been at risk.

“... the UN may have been the mechanism by which we’d establish true facts, but they were withdrawn.

¹⁵³ Public hearing, 16 July 2010, pages 30-34.

“So there were points at which, yes, it would have been desirable, but how do you achieve that objective? Do you put other lives at risk to do that? I would say no.”

243. The Inquiry asked if it was the MOD’s function to develop estimates of civilian casualties, or that of another department. Mr Ingram told the Inquiry:

“Unquestionably. Is it something that DFID could have funded? Is it something the FCO should have taken ownership care of? The UN had become engaged – it was still engaged, but not in terms of presence on the ground – is it a role that they should have played? Yes. Of course the answer to that is yes.

“But what – the very establishment of the facts would not have changed what was happening. It would have confirmed what everyone knew, but it wouldn’t have led to a solution ...”

Records and estimates of the number of Iraqi fatalities

Approaches to determining fatalities due to conflict

There are two broad approaches to determining the number of fatalities attributable to a conflict:

- Incident, or passive, reporting. This approach, which aims to capture direct conflict deaths, typically involves the collation of reports from the media, other non-government and government sources. Its accuracy depends in part on the accuracy and completeness of those reports. Access to conflict-affected areas (or to particular communities) may be difficult, and there may be pressure to distort information. Incident reporting frequently undercounts the number of direct conflict deaths.
- Estimates derived from a survey of part of a population. This approach typically aims to estimate the number of excess deaths caused by conflict, by extrapolating from the data produced by a survey. Those excess deaths would include both direct deaths (caused by war-related injuries) and indirect deaths (caused by the worsening of social, economic and health conditions in a conflict-affected area). The accuracy of such estimates can be undermined by a lack of detailed, baseline mortality data (and conflicts often occur in areas without such information, or lead to the disintegration of the systems which provide it), the selection of an unrepresentative sample, the methodology used, and the conduct of the survey.

244. The IBC project, founded in 2003 by UK and US volunteers, aims to record the violent civilian deaths resulting from the 2003 military intervention in Iraq.¹⁵⁴ It draws its evidence from cross-checked media reports of violent events or of bodies being found, supplemented by the review and integration of hospital, morgue, NGO and

¹⁵⁴ Iraq Body Count website.

official figures. Further details of the methodology and inclusion criteria used by IBC are available on its website.

245. IBC has publicly stated that while its database cannot provide a complete record of violent civilian deaths, it does provide an “irrefutable baseline of certain and undeniable deaths based on the solidity of our sources and the conservativeness of our methodology”.¹⁵⁵

246. IBC continually updates its figures as new information becomes available. As at April 2016, IBC had recorded between 156,531 and 175,101 violent civilian deaths since January 2003.¹⁵⁶

247. As apparent from the material addressed earlier in this Section, estimates of the number of fatalities caused by conflict in Iraq after 2003 vary substantially.

248. In October 2004, *The Lancet* published a study by the Johns Hopkins Bloomberg School of Public Health entitled *Mortality before and after the 2003 invasion of Iraq: cluster sample survey*.¹⁵⁷ The study was based on a survey of 988 households in 33 clusters. It estimated that there had been 98,000 more deaths from all causes in Iraq than expected in the 18 months since the invasion (95 percent confidence interval 8,000–94,000). That estimate did not include data from one cluster in Fallujah.

249. In October 2006, *The Lancet* published a second study by the Johns Hopkins Bloomberg School of Public Health.¹⁵⁸ The study used the same (cluster sample survey) methodology as the first study but was based on a larger sample.

250. The study estimated that between March 2003 and June 2006, there had been 654,965 excess Iraqi deaths and 601,027 excess violent Iraqi deaths as a consequence of the conflict.

251. The IFHS was undertaken in 2006 and 2007 by the Iraqi Government in collaboration with the World Health Organization (WHO); the results were published in *The New England Journal of Medicine* in January 2008.¹⁵⁹ The IFHS collected data from 9,345 households across Iraq on a number of issues, including mortality.

252. The IFHS Study Group estimated that, between March 2003 and June 2006 (the period covered by the second *Lancet* study), there were 151,000 violent deaths in Iraq.

253. In a September 2008 report, the Geneva Declaration on Armed Violence and Development pooled a number of datasets, including IBC, to provide a consolidated

¹⁵⁵ Iraq Body Count, April 2006, *Speculation is no substitute: a defence of Iraq Body Count*.

¹⁵⁶ Iraq Body Count, 13 April 2016, *Documented civilian deaths from violence*.

¹⁵⁷ Roberts L, Lafta R, Garfield R, Khudhairi J and Burnham G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

¹⁵⁸ Burnham G, Lafta R, Doocy S and Roberts L. Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey. *The Lancet* **368**: 1421-1428 (2006).

¹⁵⁹ Iraq Family Health Survey Study Group. Violence-Related Mortality in Iraq from 2002 to 2006. *The New England Journal of Medicine* **358**: 484-493 (2008).

estimate of violent (direct) deaths in Iraq.¹⁶⁰ It estimated that, between 2003 and 2007, at least 87,000 direct conflict deaths had occurred.

254. The report also considered indirect deaths, and commented on the difference between the figures reported by the two *Lancet* studies and the IFHS:

“At first glance, such a wide range seems to imply that the exact number of deaths due to violence remains unknown. But the quality and reliability of these surveys is not equal. The most recent study (2008) [the IFHS] surveyed 9,345 households, and was conducted under the auspices of the World Health Organization. The previous two studies [the *Lancet* studies], both conducted under difficult circumstances and with limited resources, surveyed 990 (2004) and 1,849 (2006) households. The gain in precision with greater numbers of households surveyed in the 2008 study is obvious ...”

255. The report estimated that there had been more than 150,000 indirect deaths in Iraq between March 2003 and March 2008 (with a wide possible range between 80,000 and 234,000).

256. A further analysis was undertaken in 2013 by a team of American, Canadian and Iraqi researchers, based on a sample of 2,000 households.¹⁶¹ Unlike earlier studies, this was undertaken when the situation on the ground was relatively calm. The study concluded that there had been 461,000 excess deaths from 2003 to 2011. Most excess deaths were due to direct violence but about a third resulted from indirect causes, such as the failures of health, sanitation, transportation, communication and other systems.

257. About a third of the deaths due to direct violence were attributed to coalition forces (some 90,000), and a third to militias. The study reported that at the peak of the conflict men faced a 2.9 percent higher risk of death than they did before the war and women a 0.7 percent higher risk of death.

258. The majority (63 percent) of violent deaths were the result of gunshot with 12 percent attributed to car bombs.

Non-Iraqi civilian fatalities

259. The Inquiry is not aware of any comprehensive list of non-Iraqi civilian casualties, or of UK civilian casualties in Iraq. The UK Government did not maintain a record of deaths and injuries to UK civilians in Iraq.

260. The Brookings Iraq Index, drawing on a partial list of contractors killed in Iraq maintained by the Iraq Coalition Casualty Count (ICCC), reported that by October 2009

¹⁶⁰ Geneva Declaration on Armed Violence and Development, September 2008, *Global Burden of Armed Violence*.

¹⁶¹ Hagopian A et al. Mortality in Iraq Associated with the 2003–2011 War and Occupation: Findings from a National Cluster Sample Survey by the University Collaborative Iraq Mortality Study. *PLOS Medicine* **10(10)** (2013).

(the end of the period covered by this Inquiry) 523 non-Iraqi civilians had been killed in Iraq.¹⁶² The Index did not offer any breakdown of that total.

261. The ICCC reported 464 contractors killed in Iraq by October 2009, of whom it identified 45 as British.¹⁶³ Of those, the ICCC identified 37 as security contractors or security guards.

262. The US Special Inspector General for Iraq Reconstruction (SIGIR) reported in July 2012 that 321 US civilians had died during Operation Iraqi Freedom from 1 May 2003 (the end of major combat operations) to 31 August 2010.¹⁶⁴

263. The Committee to Protect Journalists recorded that 191 Iraqi and international journalists and other media workers were killed in Iraq between 19 March 2003 and October 2009 (the end of the period covered by this Inquiry).¹⁶⁵

Conclusions

264. In a series of Assessments in the second half of 2002, the Joint Intelligence Committee identified the possibility of significant civilian casualties in the event of a Coalition attack on Iraq, in particular as a result of Iraqi use of chemical and biological weapons, the implementation of a scorched earth policy, and disorder after the end of major combat operations.

265. The MOD made only a broad estimate of direct civilian casualties arising from an attack on Iraq, based on previous operations.

266. In the months before the invasion, Mr Blair emphasised the need to minimise the number of civilian casualties arising from an invasion of Iraq. He repeatedly asked the MOD for details on the accuracy of the weapons that the UK would use, the targeting policy and guidelines, and the estimated number of civilian casualties.

267. Sections 6.1 and 6.2 consider the MOD's responses, which offered reassurance based on the tight targeting procedures governing the air campaign. Admiral Sir Michael Boyce, Chief of the Defence Staff, advised Mr Blair on 25 February 2003 that civilian casualties were likely to be in the "low hundreds".¹⁶⁶

268. In his public statements before the invasion, Mr Blair suggested that the number of civilians who would be killed in any conflict should be set in the context of the number of civilians who had been killed by Saddam Hussein's regime or were dying as a result of its policies. On the eve of the invasion, Mr Blair stated that Saddam Hussein "will

¹⁶² The Brookings Institution, 13 October 2009, *Iraq Index*.

¹⁶³ Iraq Coalition Casualty Count website.

¹⁶⁴ Report SIGIR, July 2012, *The human toll of reconstruction and stabilization during Iraqi Freedom*.

¹⁶⁵ Committee to Protect Journalists website.

¹⁶⁶ Letter Cannon to Owen, 25 February 2003, 'Iraq: Prime Minister's Meeting with General Franks'.

be responsible for many, many more deaths even in one year than we will be in any conflict".¹⁶⁷

269. In November 2003, in response to media and NGO reporting on the high levels of civilian casualties, the Government began to consider whether and how it should respond to demands for information on the number of civilians killed in Iraq, including the number killed by UK forces.

270. That consideration was driven by the Government's concern to sustain domestic support for operations in Iraq. Mr Straw and Mr Hoon agreed in November 2003 that the Government needed to produce accurate casualty figures to rebut claims that Coalition Forces were killing large numbers of civilians; in October 2004, Mr Blair stated that the Government needed an estimate of civilian casualties which showed the extent of insurgent responsibility.

271. With hindsight, greater efforts should have been made in the post-conflict period to determine the number of civilian casualties and the broader effects of military operations on civilians. A trial monitoring exercise initiated by No.10 in November 2004 was not completed. Much more Ministerial and senior official time was devoted to the question of which department should have responsibility for the issue of civilian casualties than to efforts to determine the actual number.

272. The Government was aware of several reports and studies (the Iraqi Ministry of Health in October 2004, the *Lancet* studies in October 2004 and October 2006, and the Iraq Body Count dossier in July 2005) which suggested that coalition forces were responsible for more civilian deaths than were the insurgents.

273. Those reports did not trigger any work within the Government either to determine the number of civilian casualties or to reassess its military or civilian effort. An FCO official commented that the Iraqi Ministry of Health's figures "will not help make the case that more civilians have been killed by terrorists than by military action".¹⁶⁸

274. The Inquiry has considered the question of whether a Government should, in the future, do more to maintain a fuller understanding of the human cost of any conflict in which it is engaged.

275. All military operations carry a risk of civilian casualties. The parties to a conflict have an obligation under International Humanitarian Law to limit its effects on civilians.

276. In Iraq, the UK Government recognised that obligation in its Rules of Engagement, Targeting Directive and guidance on Battle Damage Assessment. The Government did not consider that it had a legal obligation to count civilian casualties.

¹⁶⁷ House of Commons, *Official Report*, 19 March 2003, column 934.

¹⁶⁸ Minute FCO [junior official] to Owen, 13 October 2004, 'Iraq: Civilian Casualty Figures'.

277. The Inquiry considers that a Government has a responsibility to make every reasonable effort to identify and understand the likely and actual effects of its military actions on civilians.

278. That will include not only direct civilian casualties, but also the indirect costs on civilians arising from worsening social, economic and health conditions. (Section 10.4 considers the scale of the reconstruction challenge in Iraq after the fall of Saddam Hussein's regime and the Government's contribution to meeting that challenge).

279. It may not be possible, before committing to a course of action, to produce even broad estimates of the number of civilians that would be directly and indirectly affected by it, or to identify all the effects on civilians.

280. The Government should be ready to work with others, in particular NGOs and academic institutions, to develop such assessments and estimates over time.

281. The Government should take account of those assessments and estimates in developing its strategy and plans as well as in its military tactics and use of ordnance, in order to minimise, to the extent possible, the effects on civilians. The Inquiry considers that RAND's conclusion in relation to US military operations should apply equally to the UK:

“Because protecting the population is one of the central tenets of US COIN [counter-insurgency] doctrine ... Iraqi civilian fatalities should be a chief concern for the US military.”¹⁶⁹

282. As well as serving to minimise the effect of military action on civilians, such assessments and estimates will also enable the Government to address criticisms of the human cost of military operations.

¹⁶⁹ RAND, 2008. *An Argument for Documenting Casualties: Violence Against Iraqi Civilians 2006*.

ANNEX 1

IRAQ – 1583 TO 1960

This text, on early British involvement in Iraq, was prepared by Professor Sir Martin Gilbert before he was taken seriously ill in 2012. Sir Martin died on 3 February 2015.

The text that follows is a tribute to Sir Martin's valuable contribution to the work of the Inquiry.

The Ottoman years

1. The sources for this survey of British involvement with Iraq from 1583 to 1960 are principally the Admiralty, Cabinet Office, Colonial Office, Foreign Office, India Office, Treasury, War Office, Ministry of Defence and Air Ministry archives at the National Archives. Other sources include the private papers of H.H. Asquith, Winston Churchill and David Lloyd George. Published sources include *Special Report: Progress of Iraq, During the period 1920-1931*. Colonial Office Paper 58 (His Majesty's Stationery Office, 1931); A.J. Barker, *The Neglected War: Mesopotamia, 1914-1918* (Faber and Faber, 1967); Lieutenant-General Sir Aylmer Haldane, *The Insurrection in Mesopotamia, 1920* (William Blackwood, 1922); Philip Willard Ireland, *Iraq: A Study in Political Development* (Jonathan Cape, 1937); and Stephen Hemsley Longrigg, *Iraq, 1900 to 1950* (Oxford University Press, 1953); Robert Lyman, *Iraq 1941: The Battles for Basra, Habbaniya, Fallujah and Baghdad* (Osprey Publishing, 2006); Brigadier-General F.J. Moberly, *The Campaign in Mesopotamia, 1914-1918* (4 volumes, Historical Section, Committee of Imperial Defence, 1925); Daniel Silberfarb, *The Twilight of British Ascendancy in the Middle East: A Case Study of Iraq, 1941-1950* (St Martin's Press, 1994); and Peter Sluglett, *Britain in Iraq: Contriving King and Country* (I.B. Tauris, 2007). Certain sources are given in the footnotes.

2. Britain's interest in what is today Iraq goes back more than four hundred years, to 1583 when an English merchant, John Eldred, left London on a five-year journey that took him to Baghdad.¹ The first British military involvement came in 1775, when the Ottoman Turks faced a sustained Persian attack on the Shatt al-Arab waterway. The Turkish Sultan asked Britain to defend the waterway; the British Prime Minister Lord North agreed, and the Royal Navy drove the Persians out of the Sultan's domains.

3. Under the Ottomans, what is now northern Iraq and Iraqi Kurdistan was within the province of Mosul. What is now central Iraq was the province of Baghdad, and southern Iraq the province of Basra. All three provinces were to become the British Mandate of Mesopotamia (the Land of Two Rivers – the Tigris and Euphrates), later known as Iraq.

¹ John Eldred, *Journal of His Voyage* (in Hakluyt's *Principal Navigations*, first published in 1599).

There was a fourth Ottoman province, running along the Arabian shore of the Persian Gulf, with its small port of Kuwait.

4. In 1805 the East India Company appointed its first Resident in Baghdad: Claudius James Rich, who was fluent in Arabic. A visiting Briton later wrote: “Mr Rich was universally considered to be the most powerful man in Baghdad; and some even questioned whether the Pasha himself would not shape his conduct according to Mr Rich’s suggestions and advice rather than as his own council might wish.” Mesopotamian tribesmen frequently appealed to the British Resident for support against the Ottoman authorities.²

Britain, Basra and al-Faw

5. In 1861, with the support of the British Government, a British merchant shipping company established the Euphrates and Tigris Steam Navigation Company. Most of the river steamers on the Tigris were built in British yards. With the opening of the Suez Canal in 1869, Basra, and al-Faw at the mouth of the Gulf, became an important staging post for British naval and mercantile traffic with India. The fort at al-Faw had been built by local Ottoman officials, suspicious of British territorial ambitions in the Shatt al-Arab.³ By 1890, nine-tenths of the steamer tonnage using Basra for Indian Ocean trade was British.

Anglo-German rivalry

6. In 1899, to counter a planned German railway terminus and naval base in Basra, the ruler of Kuwait promised Britain that he would cede none of Kuwait’s territory without Britain’s agreement. When in 1902, Turkish forces advanced from Basra into Kuwait, they were driven off by a British gunboat. In 1904 a British Resident arrived in Kuwait to uphold Britain’s authority there.

7. In 1913 the British decided to separate Kuwait from the influence of the Ottoman authorities in Basra, of which Kuwait was then an integral administrative part. Under the Anglo-Ottoman Convention of July 1913, Kuwait became a separate administrative district.

8. As German pressure for influence in Baghdad grew, a British irrigation engineer, Sir William Willcocks, was appointed Consultant for Irrigation to the Ottoman Government. As a result of Willcocks’ vision, the Hindiya Barrage was built on the Euphrates, bringing 3,500,000 acres under year-round irrigation. Opened in November 1913, it is still one of the engineering marvels of Iraq.

² J.S. Buckingham, *Travels in Mesopotamia*, Volume 2, page 200, first published in 1928.

³ From 1985 to 1988 (during the Iran-Iraq War) the Iraqi port of al-Faw was occupied by Iran.

Oil

9. In 1912, the Royal Navy changed from coal to oil. To secure this oil for Britain, in the spring of 1914 the First Lord of the Admiralty, Winston Churchill, acquired for the British Government a 51 percent share in the Anglo-Persian Oil Company (in 1904 a British prospector had discovered oil in Persia, forty miles from the Mesopotamian border; in 1909 the oilfield was acquired by the Anglo-Persian Oil Company, whose principal shareholders were British). The British Government's 51 percent share in Anglo-Persian Oil made Basra, and al-Faw at the head of the Gulf, a vital British interest.

War and conquest in Mesopotamia

10. On 29 October 1914, in the early months of the First World War, two German warships, flying the Turkish flag, bombarded Russia's Black Sea ports. Britain, allied to Russia, ordered Turkey to end the bombardments. The British ultimatum expired on 31 October. On 7 November a British and Indian military force landed at al-Faw.⁴ Marching a hundred miles inland and crossing the Persian border, it occupied the British Government-owned Persian oilfields. It then marched back into Mesopotamia, to Basra, which it captured on 22 November.

11. That November, the Ottoman Government having declared that the Anglo-Ottoman Convention of 1913 was null and void, Britain, to protect its interests at the head of the Persian Gulf, declared Kuwait an independent sheikhdom under British protection.

12. In London, on 19 March 1915, the War Council – headed by the Prime Minister, H.H. Asquith – discussed various plans to partition the Ottoman Empire once it had been defeated. Only Sir Edward Grey, the Foreign Secretary, opposed partition and annexation, telling the War Council that he wanted Britain to make a good impression on the British Empire's Muslim subjects (of whom there were more than fifty million in India) by setting up an independent Muslim State in all the Arab regions of the Turkish Empire: Arabia, Syria and Mesopotamia.⁵

13. Fighting against the Turks continued. In August 1915, after the British occupied Nasiriyah, a civil administration was set up in Basra for the whole southern area.

14. A steady stream of reinforcements reached Basra during the second half of 1916. That October, Lieutenant William Slim (a future Field Marshal) who had been badly wounded at Gallipoli a year earlier, arrived. In the fighting that followed, he was wounded again, and awarded the Military Cross. Slim remembered Basra as "a very unpleasant place to be".⁶

⁴ British troops again landed at al-Faw on 20 March 2003, at 2200 hours (local time), when 40 Commando, Royal Marines and US Marines came ashore, followed within an hour by 42 Commando Royal Marines.

⁵ War Council, 19 March 1915: Cabinet Office papers, 22/1.

⁶ Quoted by Lt Gen Sir Graeme Lamb, Public hearing, 9 December 2009.

15. On 11 March 1917, as British forces approached Baghdad, and the Turkish Army fled, the city was given over to mass looting by local Arabs and Kurds. After the American Consul appealed to the British to intervene, British and Indian soldiers fired over the heads of the looters and dispersed them.

16. On March 12, a British proclamation announced: “O, people of Baghdad ... Our armies do not come into your cities and lands as conquerors or enemies, but as liberators”. The people of Baghdad were then invited “through your Nobles and Elders and Representatives, to participate in the management of your own civil affairs in collaboration with the political representatives of Great Britain who accompanied the British Army so that you might be united with your kinsmen in north, east, south and west in realizing the aspirations of your Race”.

17. In August 1917 the Mesopotamia Commission – the first Iraq Inquiry – set up by the British Government a year earlier, published its report of the first two years’ fighting. Among the Report’s criticisms were equipment that was “not up to the standards of modern warfare”, a “lamentable breakdown of the care of the sick and wounded”, the “isolation and ignorance” of those responsible for the care of the wounded, a standard of administration based on “the routine method of normal times rather than to the impressment of new ideas”, army organisation that was “backward in every particular”, and what it called (with regard to some of the witnesses) “misuse of reticence”. Neither in the organisation of industrial resources for the purposes of war, nor in general finances, the Report asserted, “was sufficient alacrity shown during the first year and a half of war.” The overarching failure: “a lack of plans and a lack of preparations”.⁷

18. On 30 October 1918, Turkey accepted an armistice. When it came into force the following day, the three Ottoman provinces of Mosul, Baghdad and Basra came under British military rule. The human cost of the four-year campaign had been high: more than 31,000 British and Indian dead and at least 25,000 Turkish dead.

19. With the defeat of Turkey, the British confirmed the status of Kuwait as an independent sheikdom under British protectorate. A month later, under the Anglo-French Settlement of 1-4 December 1918, Mesopotamia and Kurdistan – known collectively as Iraq – became a British-ruled entity.

Insurgency and the British Mandate for Iraq

20. Iraqis were divided on whether Britain should lead them towards independence or whether they should seek immediate independence by force. In Baghdad, the Sunni-dominated al-Ahd Society was a centre of anti-British (and anti-Kurdish) activity. Al-Ahd also opposed the political aspirations of the Shia in the south. Another Sunni grouping, led by Nuri Said, an officer in the Ottoman Army who had been active in the Arab Revolt of 1916-18 against the Turks (a revolt that originated in the Ottoman Red

⁷ Command Paper 8610 of 1917.

Sea province of Hedjaz, now part of Saudi Arabia) looked to British rule to secure the unification of Iraq. Nuri Said, a supporter of British influence, was to serve seven times as Prime Minister of Iraq during the following thirty-five years.

21. Seeking immediate independence, first the Baghdad Sunni, then the southern Shia, and finally the Kurds in the north, attacked British garrisons throughout Iraq. In the spring of 1920, a Revolutionary Council was established, dedicated to the removal of British rule. Its President, Mohammad Hassan al-Maliki, was a poet who, after being imprisoned by the British, was to become Minister of Education two years later, in the first Iraqi National Government. (His grandson, Nouri al-Maliki, became Prime Minister of Iraq in 2006).

22. On 26 May 1920, an anti-British rebellion broke out near Mosul, and rapidly spread south, threatening Baghdad. Two days after the start of the rebellion, Britain received, at the San Remo Conference, the League of Nations Mandate for Iraq. The Mandate pledged Britain to create in Iraq “an independent nation subject to the rendering of administrative advice and assistance by a mandatory until such time as she is able to stand alone”.

23. The Prime Minister, David Lloyd George, hoped to end the rebellion in Iraq by immediately setting up an Arab administration. The Cabinet insisted the rebellion be crushed first. British military and air power was used to do this; in the battle for Fallujah, more than ten thousand Iraqi and a thousand British and Indian soldiers were killed.

24. Starting at the end of September 1920, and lasting for three and a half months, punitive expeditions set out to all the centres of revolt, and whole villages were burned to the ground. Throughout the winter of 1920-1, the last of the insurgents were hunted down in punitive expeditions.

25. The defeat of the rebellion had a long legacy. In August 1920, Lieutenant Colonel Gerard Leachman had been killed south of Fallujah in a confrontation with the local tribal leader, Sheikh al-Dari. Eighty-five years later, a British administrator in this same area, Rory Stewart wrote: “They still glorify the killing of Colonel Leachman as a great moment in the anti-colonial struggle ... His death was celebrated in Iraqi soap operas, and the grandson of the man who killed him, Harith al-Dari, was a leading figure in the Sunni opposition to occupation. Outside my office in Nasiriyah stood a bronze statue of Leachman being shot in the back.”⁸

Britain and the Iraqi monarchy

26. In January 1921, Lloyd George appointed Winston Churchill as Secretary of State for the Colonies, charged with “setting up a local government congenial to the wishes of the masses of the people” in Iraq. That April, Churchill told the House of Commons it was Britain’s intention “to install an Arab ruler in Iraq ... and to create an Arab army

⁸ Stewart, R. *The Prince of the Marshes*. Pan Macmillan, 2006.

for the national defence". Britain's aim was "to build up around the ancient capital of Baghdad, in a form friendly to Britain and to her Allies, an Arab State which can revive and embody the old culture and glories of the Arab race ..."

27. Churchill told the Commons how the decision to give "satisfaction to Arab nationality" had led him to invite Emir Feisal, one of the leaders of the wartime Arab Revolt in the Hedjaz, to "present himself to the people" of Iraq, which would be transformed into an Arab kingdom with its own monarchy, guarded principally by an Arab Army, and linked to Britain by treaty.

28. Feisal was the third son of Sherif Hussein, King of the Hedjaz (and head of the Sunni Hashemite dynasty). In 1919, Feisal had come to an agreement brokered by the British whereby he would become the ruler of an Arab kingdom in Syria, in return for recognising Britain's 1917 promise of a Jewish National Home in Palestine. At first all went according to plan. In October 1918, Feisal set up an Arab government in Syria, under British protection. Then all went awry: on 7 March 1920, Feisal was proclaimed King of the Arab Kingdom of Syria, by the Syrian National Congress, but within two months the San Remo Conference gave France the Mandate for Syria, and French forces defeated Feisal and drove him out; he went to live in Britain. The British, anxious to preserve their agreement with him, decided to place him on the throne of Iraq (and to give his brother Emir Abdullah the throne of Transjordan – the western part of Britain's Palestine Mandate, stretching from the river Jordan to the Iraqi border).

29. With British support, Feisal arrived in Iraq in June 1921. The Shia leaders wanted him to push for immediate independence. He refused to do so, fearing to lose British support for his imminent throne. During the first two weeks of August 1921 a referendum was held throughout Iraq on Feisal's kingship, and on 15 August, the British High Commissioner in Baghdad, Sir Percy Cox, announced that Feisal had been chosen as King, by "an overwhelming vote".

30. Two weeks later, as the insurgency continued, Cox informed London that Feisal had agreed that "there is no objection to the use of Gas bombs in Iraq provided that they are not lethal or permanently injurious to health".⁹

The first Anglo-Iraqi Treaty, 1922

31. Feisal agreed to negotiate an Anglo-Iraqi Treaty. He was told that Britain must retain responsibility, as the Mandatory power, both for the suppression of internal disorder and for the maintenance of external defence until such time when an "independent Islamic state of Iraq can stand alone".

32. As negotiations for the treaty continued, Churchill told Lloyd George that there was "scarcely a single newspaper in Britain – Tory, Liberal or Labour", which was not "consistently hostile" to Britain's remaining in Iraq. Lloyd George replied that Britain

⁹ Cox to Churchill, 2 December 1921, Air Ministry papers, 5/490.

could not abandon Iraq: “Having beaten the Turk ... we could not at the Armistice have repudiated all our undertakings towards the Arabs. We were responsible for liberating them from Turkish sovereignty, and we were absolutely bound to assist them in setting up Arab governments, if we were not prepared to govern them ourselves.” Lloyd George added: “If we leave, we may find a year or two after we have departed that we have handed over to the French and Americans some of the richest oilfields in the world.”

33. Treaty negotiations with Feisal were concluded; under the treaty, Britain would have “executive authority” for twenty years over Iraq’s foreign and security policy, in a “co-equal” Kingdom of Iraq. The Iraqi Cabinet ratified the treaty on 10 October 1922. Two weeks later, Lloyd George’s coalition government disintegrated, and a General Election was called. During the election campaign, several candidates urged Britain to leave Iraq immediately.

34. So strong was antagonism in Britain to remaining in Iraq that, when the Conservative leader, Andrew Bonar Law, became Prime Minister in October 1922, he set up a Cabinet Committee to reconsider whether Britain should continue with the Anglo-Iraq Treaty. The Committee decided that the twenty-year duration of the treaty should be reduced to four years.

35. In Iraq, Sir Percy Cox threatened to dissolve the Constituent Assembly if it did not ratify the treaty, and issued orders for British troops to occupy the Assembly building. The treaty was ratified, whereupon the British encouraged the creation of an Iraqi civilian administration under Feisal’s rule. One obstacle was a *fatwa* issued in 1922 by the Iraqi Shia religious leaders in Najaf, forbidding observant Shia from supporting Feisal, or any members of the Sunni royal house of the Hedjaz. Feisal was, in the language of the *fatwa*, “an alien usurper to the throne of Iraq, imposed by the colonial power”. A few leading Shia families defied the *fatwa* (which remained in force until 1937) and supported the new dynasty and government.

British bombing policy

36. For non-Kurdish Iraqis, the Anglo-Iraqi Treaty offered a means of curbing Kurdish separatism. In 1923 and 1924, British fighting against Kurdish separatists involved punitive military operations and RAF bombing raids. The RAF also took part in bombing raids to persuade recalcitrant tribes throughout Iraq to pay their taxes. One method by which Britain sought to maintain law and order in Iraq was by the setting up of “Arab Levies” – troops recruited from minority Iraqi communities: Kurds, Marsh Arabs and the Assyrian Christians.

37. In 1924, Air Commodore Lionel Charlton, the Chief Staff Officer of RAF Iraq Command, visited the hospital in Diwaniya where he saw horribly injured civilians, including women and children, who were among the Shia victims of a British air raid. In protest at Britain’s bombing policy, he resigned.

38. Among Iraqis, the legacy of these punitive bombing raids was long-lasting.

The Mandate years

39. During the ten years from 1922 to the end of the Mandate in 1932, when Iraq obtained full independence, as government ministries were steadily handed over to Iraqi control, British officials led the rebuilding of the Iraqi civilian and administrative infrastructure: in health, education, communications, irrigation, the economy, the judiciary, the army and the police. There were almost three thousand British officials in Iraq in 1922, as administrators in all departments. They were headed and supervised by a, five-man, Iraq Secretariat of British officials. Of those, the Judicial Secretary was put in charge of drafting a constitution for Iraq.

40. In accordance with the gradual but immediate Iraqiisation of the administration, while British officials worked as advisers in the Ministry of Finance, the first Minister of Finance was an Iraqi, Sasson Eskell, a Baghdadi Jew and a distinguished financier and parliamentarian since Ottoman times. He is regarded in Iraq to this day as the Father of Parliament. In the long and complex negotiations for the Iraq Treaty, he had worked closely with Gertrude Bell and T.E. Lawrence, and was at the centre of the creation of the new Iraqi Government's laws and financial structure. He was knighted in 1923.

41. Typical of these British civil servants was the Inspector General of Health Services, Henry Sinderson, who introduced modern medicine to Iraq and became Dean of Iraq's Royal College of Medicine. Knighted in 1946 after twenty-five years service to medicine in Iraq, the hospitals and clinics he established throughout the country made Iraq a model for the whole region.

42. In 1930, at the request of the Iraqi Government, a distinguished British politician, writer and soldier, Sir Edward Hilton Young, went to Iraq to advise on economic and loan policy, to scrutinise the budget, and to help establish a new currency, replacing the Indian rupee with the Iraqi dinar. His efforts ensured a stable Iraq currency.

43. By 1930 the number of British officials in the Iraqi administration had been reduced to just over two hundred; some were to remain in Iraq for another decade and more. The legacy of their service and of British-built infrastructure lasted into the era of Saddam Hussein and was spoken of with appreciation by several of the Iraq Inquiry's Iraqi interlocutors.

Defending Iraq

44. During the Mandate years, Britain also defended Iraq from attacks from across the Arabian border. In December 1923, raiders from Nejd, under the control of Ibn Saud, launched an attack on the tribes living in southern Iraq. The RAF drove off the attackers in a series of bombing raids.

45. In November 1927, the northeastern tribes of the Nejd carried out an armed attack seventy-five miles inside the Iraqi border. Despite an RAF bombing raid on the attackers,

they penetrated even deeper into Iraq, killing Shia Marsh Arab shepherds and their children in December.

46. The RAF continued its bombing raids. The Arabian tribes continued their attacks. In February 1928 their target was both Iraqi and Kuwaiti villages south and south-west of Basra. In January 1929 another Nejd tribe crossed the border into Kuwait, killing twenty Iraqis. Then a third Arabian tribe crossed into Kuwait, killing more than seventy Iraqis and Kuwaitis.

47. Only continued bombing raids from RAF Shaibah near Basra drove the attackers out of south-western Iraq. In January 1930, Ibn Saud agreed to financial compensation to the Kuwaitis and Iraqis, and, with British encouragement, in April 1931, a “Treaty of Bon Voisinage, Friendship and Extradition” was signed in Mecca – the Iraqi Prime Minister, Nuri Said signing for Iraq.¹⁰

The second Anglo-Iraqi Treaty, 1930

48. In 1930, two years before the end of the Mandate, an all-Iraqi Government was formed, with the Sunni politician, Nuri Said – who made determined efforts to assuage Sunni-Shia and Kurdish tensions – as Prime Minister. Nuri Said also negotiated a new Anglo-Iraqi Treaty establishing “perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq” as well as “full and frank consultation between them in all matters of foreign policy which may affect their common interests”. Article Five of the Treaty authorised British forces to remain in Iraq after it became independent in 1932. By the late 1930s these forces were restricted to two RAF stations, RAF Shaibah near Basra, and RAF Habbaniya west of Baghdad.

49. In November 1930, Nuri Said called a General Election to ratify the Treaty. He was successful, but the Kurds objected that the Treaty did not meet the undertakings they believed the British had given a decade earlier to protect their national status, and once more raised the flag of revolt. For almost two years, RAF Habbaniya was a staging post for bombing attacks on Kurdish rebels until they were defeated in April 1932.

Iraqi independence, 1932

50. With the ending of the British Mandate in 1932, Iraq entered the League of Nations as a sovereign State. Britain had fulfilled its pledges and promises – first made when the British Army entered Baghdad in March 1917 – to give the Iraqis control of their country.

51. Oil had been discovered in Iraq in 1927. One of the first official acts of the Iraqi Government after independence was to grant a seventy-five-year concession – valid until 2007 – to the British Oil Development Company, jointly owned by British and Italian investors.

¹⁰ In 1932 Ibn Saud renamed his three provinces – Najd, al-Ahsa and the Hijaz – as the Kingdom of Saudi Arabia.

52. King Feisal died in 1933. He was succeeded by his son, twenty-one-year-old King Ghazi. Three years later General Bakr Sidqi – a Kurd, a former officer (like Nuri Said) in the Arab Revolt, and a graduate of a British Staff College, seized power in Baghdad. In the course of the coup, Nuri Said's brother-in-law, the Minister of Defence, was killed. Nuri fled for safety to the British Embassy in Baghdad, and eventually reached Britain.

53. Nationalists in the army resented General Sidqi because of his Kurdish background, and because he encouraged Kurds to join the army. The Shia could not forgive his brutal suppression of a Shia revolt in 1936. In 1937 General Sidqi was murdered by a group of army officers.

54. In 1937, King Ghazi began publicly advocating that Iraq annex Kuwait, and denouncing British influence in the Middle East, under pressure from German diplomats and Nazi Party representatives in Baghdad. Even the return of Nuri Said at the end of 1938 from London – where he had served for a year as Iraq's Ambassador to Britain – could not curb anti-British propaganda, although, to counter it, at the recommendation of the British Ambassador to Iraq, Sir Archibald Clerk-Kerr, funds were made available to the British Council in Iraq to help cover the cost of Iraqi students taking examinations for British universities, and bursaries for their books.¹¹

55. In April 1939, King Ghazi was killed in a car accident. His four-year-old son, King Feisal II, came to the throne, with one of his uncles, Abdul Illah, as Regent. In Mosul, after claims that King Ghazi had been murdered by the British, a mob broke into the British Consulate, dragged out the consul and stoned him to death.

Rashid Ali's revolt, 1941

56. On the outbreak of war in September 1939, Nuri Said broke off relations with Germany. For the first eighteen months of the war, while refusing British requests to declare war on Germany and Italy, he ensured that Iraq was an essential overland and air link in Britain's chain of defence from Egypt to India. On 31 March 1941, however, Nuri Said was forced to resign by a Rashid Ali al-Gaylani. On April 1 the Regent fled from Baghdad, and two days later Rashid Ali became Prime Minister.

57. A Sunni whose family traced their ancestry back to Mohammed, and a lawyer by training, Rashid Ali had been Minister of Justice in 1924 in Iraq's first government. In 1930 he had rejected Nuri Said's Anglo-Iraqi Treaty, and called for an end to the British connection. He was Prime Minister of Iraq from March to November 1933 and again from March 1940 to January 1941, when he was dismissed by the Regent for refusing to allow British troops to transit Iraq, and for entering into negotiations with Germany.

58. On becoming Prime Minister for the third time, Rashid Ali seized control of all the main cities except Basra, restored the amicable relations between Iraq and

¹¹ Sir Archibald Clerk-Kerr, Baghdad, 27 December 1937: Foreign Office papers, FO 395/587.

Nazi Germany that had been severed by Nuri Said in 1939, and promised the Germans vital fuel oil from the Mosul oilfields.

59. In London, the War Cabinet ordered a brigade of Indian infantry and extra aircraft to Iraq. “We are not at war with Iraq”, Churchill told the House of Commons on May 7. “We are dealing with a military dictator who attempted to subvert the constitutional Government, and we intend to assist the Iraqis to get rid of him and get rid of the military dictatorship at the earliest possible moment.”

60. During the second week of May 1941, the first of thirty German and Italian aircraft reached Mosul. Flying on to Kirkuk, they took part in air operations against the British besieging Fallujah, and carried out frequent bombing raids on RAF Habbaniya. On 20 May, the British captured Fallujah, and nine days later were in battle with Rashid Ali outside Baghdad. Unaware of the small size of the force against him, Rashid Ali fled under cover of darkness to Iran.

61. The Mayor of Baghdad, at the head of a Security Committee of leading Iraqis, approached British forces outside Baghdad. An armistice was signed, and the monarchy restored. On 9 October 1941, Nuri Said formed a government acceptable to the British. Iraqi Ministers who had served under Rashid Ali were removed from all influence, and in some cases deprived of citizenship and deported. At least seven hundred Rashid Ali supporters and those with Axis sympathies were interned for the duration of the war.

The third Anglo-Iraqi Treaty, 1948

62. The British military presence in Iraq both before and after Rashid Ali’s revolt was based on the terms of the 1930 Anglo-Iraqi Treaty. When the war ended in 1945, and as British forces prepared to leave Iraq, Britain’s Labour Government (whose Prime Minister, Clement Attlee, had been wounded in Mesopotamia in 1917) asked the Government of Iraq to sign a new military treaty, to give the British even greater powers than under the 1930 Treaty, and to increase joint Iraqi and British military planning and cooperation.

63. The new Anglo-Iraqi Treaty was approved by the Iraqi Government and by the Regent. The Prime Minister, Salih Jabr – Iraq’s first Shia Prime Minister – and his Foreign Minister, accompanied by Nuri Said, went to Britain for the signing ceremony, held at Portsmouth on 15 January 1948. The signatories were the Iraq delegates and the British Foreign Secretary, Ernest Bevin.

64. As soon as the Treaty was signed there were mass demonstrations in Baghdad against it, and against any continuing links with Britain. On 20 January 1948 the British Consulate at Kirkuk was attacked, and on the following day – six days after the Anglo-Iraqi Treaty had been signed – the Regent announced that the Treaty did not “realise the national aspirations of Iraq or consolidate the friendship between the two countries”. Salih Jabr was replaced as Prime Minister by a leading Shia and former President of the Iraqi Senate, Sayyid Muhammad al-Sadr, one of Britain’s adversaries of a quarter

of a century earlier. Such British influence as remained waned rapidly. In May 1948 the British Military Mission was withdrawn.

The continuing British contribution

65. In April 1954, Lord Salter, a senior British civil servant – and former head of the economic and financial section of the League of Nations Secretariat – was asked by the Iraq Development Board to advise on the economic advancement of Iraq. His report, focusing on forward planning, covered water use, agriculture, communications (road, rail, river and air), industry, housing, health, education and administration.

66. Lord Salter's report was published in 1955 by the Iraq Development Board, and detailed what Salter described as Iraq's "exceptional opportunity of achieving a development which within a few years would substantially increase her economic resources and raise her general standard of living".¹²

67. This was to be the last British contribution to the economy of Iraq for many years. But 1955 was to see another British-Iraqi joint venture, as fear of the spread of Communism in the Middle East brought Britain and Iraq together again, with the establishment of the Middle East Treaty Organisation (METO), consisting of Turkey, Iraq, Iran, Pakistan and Britain, later known as the Central Treaty Organisation (CENTO).

68. In 1955, with Iraq a member of CENTO and in close relations with Britain's armed forces, RAF Shaibah and RAF Habbaniya were handed over to the Iraqi Air Force. As part of this air base agreement, the RAF continued to administer the RAF hospital at Habbaniya, and agreed to provide medical and surgical in-patient treatment for up to twenty officers of the Iraqi forces stationed there. In exchange, Iraq also granted free storage to British personnel using the port at Basra.¹³

69. In 1956, with Egypt threatening to nationalise the Suez Canal, Nuri Said was invited to London by the Prime Minister, Anthony Eden, and asked what Iraq wanted for its friendship. He told Eden that Iraq wanted at least one fighter squadron equipped with the latest type of aircraft. Eden agreed. Nuri Said added that Iraq wanted all thirty-six Centurion tanks promised by Britain and a further forty promised by the United States. Eden said "he felt sure that the tanks could be found from one source or another". Nuri Said then said Iraq was interested in the application of atomic energy to peaceful purposes. Eden offered him a nuclear reactor.¹⁴

¹² Lord Salter, *The Development of Iraq: A Plan of Action*. Iraq Development Board, 1955.

¹³ Middle East Defence Secretariat, 'Implementation of the Anglo-Iraqi Agreement', 15 June 1956: Foreign Office papers, FO 371/121671.

¹⁴ 'Top Secret', 25 July 1956: Foreign Office papers, FO 371/121662. The pool-type nuclear reactor, also called a 'swimming pool reactor', had a core immersed in an open pool of water. It was never delivered.

The fall of the monarchy, 1958

70. On 14 July 1958, an army officer, Brigadier Abdel Karim Kassem, seized power in Baghdad. That day, King Feisal II and many of his family were killed. The British Embassy in Baghdad was ransacked and set on fire. The Ambassador, Sir Michael Wright and his wife were held captive at the Embassy until late in the afternoon, when they were released.¹⁵ On the following day Nuri Said was murdered in the street.

71. The monarchy, established by Britain thirty-seven years earlier, was abolished. Kassem, who was half Sunni, half Kurdish Shia, became Prime Minister, Minister of Defence and Commander-in-Chief. In 1961, in a blow to British commercial activity and investment in Iraq, Kassem nationalised the Iraq Petroleum Company.

Kuwaiti independence

72. In 1961, Kuwait gained independence from Britain; Iraq immediately claimed sovereignty. General Kassem mobilised Iraq troops along the Kuwait border. Britain, which had only recently ended its military presence in Kuwait, sent an expeditionary force to Kuwait, and persuaded the Arab League to recognise Kuwait as an independent country. British troops were then replaced by troops of the United Arab Republic (Egypt and Syria). Britain had honoured its historic commitment to Kuwait.

¹⁵ D.M.H. Riches, 'Events in Iraq', 14 July 1958: Foreign Office papers, FO 371/132502.

ANNEX 2

GLOSSARY

A

AA	Air Assault
AA Bde	Air Assault Brigade
AAA	Anti-Aircraft Artillery
ab initio	From the beginning
Abu al-Khasib	Town in Basra province
Abu Ghraib	Prison in Baghdad
Abu Naji	Military base near Basra
ACC	Assistant Chief Constable
ACDS(Log Ops)	Assistant Chief of the Defence Staff (Logistic Operations)
ACDS(Ops)	Assistant Chief of the Defence Staff (Operations)
ACGS	Assistant Chief of the General Staff
ACM	Air Chief Marshal
ACPO	Association of Chief Police Officers
ACPP	Africa Conflict Prevention Pool
Adm	Admiral
AF	Armed Forces
AFA	Armed Forces Act
AFCS	Armed Forces Compensation Scheme
AFF	Army Families Federation
AFG	Afghanistan
AFLR	Aviation Force Level Review
AFPAA	Armed Forces Personnel Administration Agency
AFPS	Armed Forces Pension Scheme
AFV	Armoured Fighting Vehicle
AG	Adjutant General
AG	Advocate General
AG	Attorney General
AGO	Attorney General's Office
AH	Attack Helicopters
AHGI	Ad Hoc Group on Iraq
AHMG	Ad Hoc Ministerial Group on Iraq

AHMGIR	Ad Hoc Ministerial Group on Iraq Rehabilitation
AI	Ansar al-Islam
AIASC	Army Investigations and Aftercare Support Cell
AIF	Anti-Iraqi Forces
Aitken Report	Report into killings of civilians in Iraq
Akashat	Town in Anbar province
AKP	AK Party (Turkish Political party)
al-Abbas	Shia mosque in Karbala
al-Amara	Capital of Maysan province
al-Arabiya	Television channel
al-Askari	Shia mosque in Samarra
al-Atheer	Nuclear weapons facility in Babil province
al-Dawr	Town near Tikrit where Saddam Hussein was captured
al-Faw Peninsula	Southern tip of Basra province
al-Hakam	Biological weapons facility in Babil province
Al Iraqiya	Iraqi television network
al-Kadamiyah	Shia mosque in Baghdad
al-Kut	Capital of Wasit province
al-Majir al-Kabir	Town in Maysan province
al-Maqil	Prison in Basra
al-Minah	Prison in Basra
al-Muthanna	Chemical weapons facility in Salah ad Din province
al-Qa'im	Town in Anbar province and site of a uranium processing facility
al-Qa-Qa	Radiological weapons facility in Baghdad
al-Qurnah	Town in Basra province
al-Rafah	Town in Babil province and missile test site
Al Sweady	Public inquiry into allegations of mistreatment of Iraqi prisoners by British troops
AM	Aftermath
AM	Air Marshal
Amariyah	Biological weapons facility in Baghdad
AME	Annually Managed Expenditure
AMEC	British multi-national consultancy, engineering and project management company
AMO	Air Movement Operations

Amorim Reports	Reports of the Panel established by the President of the UN Security Council on 30 January 1999 concerning disarmament, monitoring and verification
Anbar	Province in western Iraq
Anfal	Iraqi campaign against the Kurdish people in northern Iraq
Ansar al-Islam	Insurgent group
AO	Area of Operations
AOAV	Action on Armed Violence
AOR	Area of Responsibility
AP	Assessment Phase
APC	Armoured Personnel Carrier
APOD	Air Port of Disembarkation
APT	Armed Protection Team
APV	Armoured Patrol Vehicle
AQ	Al Qaida
AQ-I	Al Qaida in Iraq
ARCENT	United States Army Central Command
ARG	Amphibious Ready Group
Armd	Armoured
ARMILLA	Royal Navy patrol
ARRC	Allied Rapid Reaction Corps
AS	Assessments Staff
<i>Asharq Al-Awsat</i>	Arabic newspaper published in London
Ashura	Shia religious festival
ASSESSREPS	Assessment Reports
AT	Air transport
ATG	Amphibious Task Group
ATV(P)	All Terrain Vehicle (Protected)
AUS	Australia
AV	Armoured Vehicle
AVM	Air Vice Marshal
AWE	Atomic Weapons Establishment
AWS	Army Welfare Service
az-Zubayr	Town in Basra province

B

b/d	Barrels per day
Babil	Province in central Iraq
Baghdad	Capital of Iraq, a province and provincial capital of the same name
Balad	Airbase north of Baghdad
Baquba	Capital of Diyala province
BAS	Basra Air Station
Bayji	Oil refinery in Salah ad Din province
Basra	Province in southern Iraq and its capital
BBC	British Broadcasting Corporation
BBP	Better Basra Plan
BCCB	British Consultants and Contractors Bureau
BCG	British Consul General
BCU	Basic Capability Unit
BCU	Basra Crimes Unit
BCW	Biological and Chemical Warfare/Weapons
BDA	Battle Damage Assessment
BDC	Basra Development Commission
Bde	Brigade
BDF	Basra Development Fund
BE	British Embassy
Bechtel	US infrastructure contractor
BEO	British Embassy Office (sometimes known as British Consulate General)
BFBS	British Forces Broadcasting Service
BFPO	British Forces Post Office
BG	Battlegroup
BH	Battlefield Helicopters
BIA	Basra International Airport
BIPA	Basra Investment Promotion Agency
BTID	Battlefield Targets Identification Device
BM	Ballistic Missiles
BMATT	British Military Advisory and Training Team
BOB	British Office Baghdad
BOC	Basra Operational Command
BOC	Basra Operations Centre

BOI	Board of Inquiry
BOMVIC	Baghdad Ongoing Monitoring, Verification and Inspection Centre
BP	Basra Palace
BPC	Basra Palace Compound
bpd	Barrels per day
Brig	Brigadier
BRT	Basic Recruit Training
BSO	Building Stability Overseas
BSOS	Building Stability Overseas Strategy
BSP	Baghdad Security Plan
BST	Border Support Team
BTI	British Trade International
BTT	Border Transition Team
BTWC	Biological and Toxin Weapons Convention
Bubian Island	Uninhabited island in the Persian Gulf
Butler Report	<i>Review of Intelligence on Weapons of Mass Destruction</i>
BW	Biological Weapons/Warfare

C

C	Chief, Secret Intelligence Service
C/B	Chemical/Biological
C2	Command and Control
CAFTT	Coalition Air Force Transition Team
CAN	Camp Abu Naji (Military base in Maysan province)
CAP	Country Assistance Plan
CAS	Close Air Support
casus belli	An act or event that is a cause of war
CB	Chemical and Biological
CBI	Confederation of British Industry
CBR	Chemical Biological Radiological
CBRN	Chemical, Biological, Radiological and Nuclear
CBRN/M	Chemical Biological Radiological Nuclear/Missiles
CBW	Chemical and Biological Warfare/Weapons
CC	Chief Constable
CCCI	Central Criminal Court of Iraq
CCS	Civil Contingencies Secretariat

CDC	Civil Defence Corps
CDEL	Capital Departmental Expenditure Limit
CDG	Corporate Development Group
CDI	Chief of Defence Intelligence
CDL	Chief of Defence Logistics
CDM	Chief of Defence Material
Cdo	Commando
CDS	Chief of the Defence Staff
CEE	Central and Eastern Europe
CENTCOM	US Central Command
Centurion Group	MOD staff authorised to receive the most sensitive material on US planning and UK scoping on Iraq
CEO	Chief Executive Officer
CERP	Commanders Emergency Response Programme
CF	Coalition Forces
CFC	Coalition Forces Commander
CFLCC	Coalition Forces Land Component Commander
CFSP	Common Foreign and Security Policy
CG	Commander General
CG	Consul General
CG	Consulate General (see BEO)
CG MNF-I	Commanding General, Multi-National Force – Iraq
CGS	Chief of the General Staff
Ch x	Chancellor of the Exchequer
CHAD	DFID Conflict and Humanitarian Affairs Department
Chargé d’Affaires	Officer in charge of an Embassy in the absence of the Ambassador
CHOGM	Commonwealth Heads of Government Meeting
CI	Commission on Integrity
CIA	Central Intelligence Agency
CIC	Coalition Information Centre
CIC	Communication and Information Centre
CID	Criminal Investigation Department
C-IDF	Counter Indirect Fire
CIG	Current Intelligence Group
CIMIC	Civilian-Military Co-ordination
CinC Land	Commander in Chief Land

CIOC	Combined Intelligence and Operations Centre
CIP	Capability Integration Plan
CITADEL	Hardened form of accommodation
CIU	Criminal Intelligence Unit
Civ Pol	Civilian Police
CIVSEC	Civil Secretary
CIWG	Capability Integration Working Group
CJCS	Chairman of the Joint Chiefs of Staff
CJO	Chief of Joint Operations
CJPTF	Combined Joint Predator Task Force
CJTF-7	Combined Joint Task Force 7
CJTF-I	Combined Joint Task Force – Iraq
CLC	Concerned Local Civilian/Citizen
CM	Command Paper
CMATT	Coalition Military Assistance Training Team or Coalition Military Advisory Training Team
CMG	Companion of the Order of St Michael and St George
CMO	Civilian-Military Operations
CMOC	Civilian-Military Operations Centre
CMPC	Combined Media Processing Centre
CND	Campaign for Nuclear Disarmament
CNN	Cable News Network
CNO	Casualty Notification Officer
CO	Cabinet Office
CO	Commanding Officer
COA	Course of action
COB	Contingency Operating Base
COB-B	Coalition Operating Base – Basra
COB-I	Coalition Operating Base – Irbil
COBR	Cabinet Office Briefing Room
COBR(R)	Cabinet Office Briefing Room (Restricted)
CoG	Centre of Gravity
COIN	Counter-Insurgency
COINOPS	Counter-Insurgency Operations
Col	Colonel
COLPRO	Collective Protection
CoM	Council of Ministers

CONOPS	Concept of Operations
CONPLANS	Contingency Plans
CONVIS	Consignment Visibility
CoP	Chief of Police
CoR	Council of Representatives
COS	Chief(s) of Staff
COS(I)	Chiefs of Staff (Informal)
COS(O)	Chiefs of Staff (Operations)
COSM	Chief Overseas Security Manager
COTF	Cabinet Office Task Force
CotK	Charge of the Knights
COTS	Commercial Off The Shelf
coup de main	Surprise attack or sudden development
coup d'état	Sudden overthrow of government from within
CP	Counter-Proliferation
CPA	Coalition Provisional Authority
CPA-I	Chief Police Adviser – Iraq
CPA-IG	Coalition Provisional Authority Inspector General
CPATT	Coalition Police Assistance Training Team or Coalition Police Advisory Training Team
CPC	Constitutional Preparatory Committee
CPD	Counter-Proliferation Department
CPF	Conflict Prevention Fund
CPT	Christian Peacemaker Teams
CR2	Challenger 2
C-RAM	Counter Rocket, Artillery and Mortar
CRC	Constitutional Review Committee
CRG	Control Risks Group
CS	Combat Support
CSA	Chief Scientific Adviser
CSC	Civilian Standby Capacity
CSG	Civilian Stabilisation Group
CSR	Comprehensive Spending Review
CSS	Combat Service Support
CSSC	Civil Service Stabilisation Cadre
CSSF	Conflict, Stability and Security Fund
CT	Counter-Terrorism

CTA	Civil Transitional Administration
CTPD	Counter-Terrorism Policy Department
Curve Ball	Codename of an intelligence source
CV	Curriculum Vitae
CVO	Casualty Visiting Officer
CVR(T)	Combat Vehicle Reconnaissance (Tracked)
CW	Chemical Warfare/Weapons
CWC	Chemical Weapons Convention
CWIED	Command Wire Improvised Explosive Device
CX	Secret Intelligence Service intelligence product

D

Dahuk	Province in northern Iraq and its capital
DAG	Deputy Adjutant General
DART	Disaster Assistance Response Team
DAS	Defensive Aids Suites
DASA	Defence Analytical Services and Advice
DAT	Defence Advisory Team
DBC	De-Ba'athification Commission
DBERR	Department for Business, Enterprise and Regulatory Reform
DCA	Department of Constitutional Affairs
DCC	Deputy Chief Constable
DCC	Dismounted Close Combat
DCDI	Deputy Chief of Defence Intelligence
DCDS(C)	Deputy Chief of the Defence Staff (Commitments)
DCDS(EC)	Deputy Chief of the Defence Staff (Equipment Capability)
DCDS(Health)	Deputy Chief of the Defence Staff (Health)
DCDS(Pers)	Deputy Chief of the Defence Staff (Personnel)
DCE	Deployable Civilian Experts
DCG	Deputy Commanding General
DCGO	Deputy Commanding General of Operations
DCI	Director of Central Intelligence
DCI(A)	Director of Capability Integration (Army)
DCJO(Ops)	Deputy Chief of Joint Operations (Operations)
DCLG	Department for Communities and Local Government
DCMC	Defence Crisis Management Centre

DCMH	MOD Departments of Community Mental Health
DCMO	Defence Crisis Management Organisation
DCMS	Department of Culture, Media and Sport
DCRS	Directorate of Capabilities, Resources and Scrutiny
DDR	Disarmament, Demobilisation and Re-Integration
de facto	In fact
de jure	According to law
DE&S	Defence Equipment and Support Agency
DEC	Directorate of Equipment Capability
DEC(GM)	Director of Equipment Capability (Ground Manoeuvre)
DEC(SP)	Directorate of Equipment Capability (Special Projects)
DECC	Department for Energy and Climate Change
DEFRA	Department for Environment, Food and Rural Affairs
DEL	Departmental Expenditure Limit
Depts	Departments
DFI	Development Fund for Iraq
DFID	Department for International Development
DFT	Department for Transport
DG	Diego Garcia
DG	Director General
DG OpPol	MOD Director General Operational Policy
DG Resources	MOD Director General Resources
DG Sec Pol	MOD Director General Security Policy
DG SP Pol	MOD Director General Service Personnel Policy
DG(S&A)	MOD Director General (Scrutiny and Analysis)
DGI	Directorate of General Intelligence
DGS	Directorate of General Security
Dhi Qar	Province in south-eastern Iraq
DHS	US Department of Homeland Security
DIA	Defence Intelligence Agency
DIA	Department of Internal Affairs
DIF	Divisional Internment Facility
DILFOR	Dangerously Ill Forwarding of Relatives
DIRC	Divisional Internment Review Committee
DIS	Defence Intelligence Staff
DIU	Defence Inquests Unit
Div	Division

Diwaniyah	Capital of Qadisiyah province
Diyala	Province in eastern Iraq
DJC	Directorate of Joint Commitments
DJW	Directorate of Joint Warfare
DLO	Defence Logistics Organisation
DLOD	Defence Line of Development
DMB	Defence Management Board
DMI	Directorate of Military Intelligence
DMICP	Defence Medical Information Capability Programme
DMRC	Defence Medical Rehabilitation Centre
DMS	Defence Medical Services
DNBI	Disease and Non-Battle Injuries
DOC	Directorate of Operational Capability
DoD	US Department of Defense
DoH	Department of Health
DOP	Ministerial Committee on Defence and Overseas Policy
DOP(I)	Ministerial Committee on Defence and Overseas Policy Sub-Committee on Iraq
DP	Defence Procurement
DPA	Data Protection Act
DPA	Defence Procurement Agency
DPAs	Defence Planning Assumptions
DPM	Deputy Prime Minister
DSA	Debt Sustainability Analysis
DSC	Defence Select Committee
DSF	Director Special Forces
DSI	FCO Directorate of Strategy and Innovation
DSP	Defence Strategic Plan
DSP	Deployable Spares Pack
DSTL	Defence Science and Technology Laboratory
DTI	Department of Trade and Industry
DU	Depleted Uranium
Dujail	Town in Salah ad Din province
DUP	Departmental Unallocated Provision
DVA	Department of Veterans Administration
DWR	Duke of Wellington's Regiment

E

E10	Elected 10: Angola, Bulgaria, Cameroon, Chile, Germany, Guinea, Mexico, Pakistan, Spain and Syria
E-blueys	Electronic letter facility
EC	European Commission
ECAB	Executive Committee of the Army Board
ECBA	Enhanced Combat Body Armour
ECC	Equipment Capability Customer
ECGD	DTI Export Credit Guarantee Department
ECHR	European Convention on Human Rights
ECM	Electronic Countermeasures
EDM	Early Day Motion
EFP	Explosively Formed Projectile
EITI	Extractive Industries Transparency Initiative
EIU	Economist Intelligence Unit
EMAD	DFID European Middle East and Americas Division
EMIS	Electromagnetic Isotope Separation
EOD	Explosive Ordnance Disposal
EoL	Exchange of Letters
EOV	Explanation of Vote
EP	Equipment Plan
EP	Equipment Programme
EPAP	Emergency Public Administration Project
EPCA	Emergency Post Conflict Assistance
EPD	Economic Policy Directorate
EPP	Equipment Procurement Programme
EPW	Enemy Prisoners of War
Erbil	Province in northern Iraq and its capital
ERU	Emergency Response Unit
ESC	Emergency Security Committee
ESC	Executive Steering Committee
ESP	Equipment Support Plan
EST	Eastern Standard Time
EST	Essential Services Team
EU	European Union
EU JustLex	European Union Integrated Rule of Law Mission
EUCOM	European Command

Exec
EYF

Executive
End-Year Flexibility

F

F/R/C

France/Russia/China

FAC

Foreign Affairs Committee

Fadhila

Iraqi political party

FAI

Fatal Accident Inquiry

Fallujah

Town in Anbar province

FAO

UN Food and Agriculture Organization

FAQ

Fardh al-Qanoon

FASC

Foreign Affairs Select Committee

Fatwa

Islamic religious ruling

faute de mieux

For want of something better

FBI

Federal Bureau of Investigation

FCO

Foreign and Commonwealth Office

FCO RA

FCO Research Analysts

FCS

Facilities Protection Service

FCU

Financial Compliance Unit

Fedayeen Saddam

Iraqi paramilitary group

FFCD

Full, Final and Complete declaration

Five Mile Market

Area in Basra

FLC

Front Line Command

FLEET

The Royal Navy's Operational Command

FLR

Force Level Review

FMB

Forward Mounting Base

FMHT

Field Mental Health Team

FMV

Full Motion Video

FOC

Full Operating Capability

FOIA

Freedom of Information Act

FP

Force Posture

FP

Force Protection

FPCC

Force Protection Co-ordinating Committee

FPE

Force Protection Engineering

FPS

Facilities Protection Service

FR

Formation/Light Reconnaissance

FRC

Future Rotorcraft Capability

FRE	Former Regime Elements
FRES	Future Rapid Effect System
FRL	Former Regime Loyalists
FRY	Federal Republic of Yugoslavia
FS	Foreign Secretary
FSU	Forward Strategy Unit
FT	<i>Financial Times</i>
FWSE	Family Welfare Support Enhancement
FY	Financial Year
G	
G4	Group of 4: France, Germany, Italy, UK
G5	Group of 5: France, Germany, Italy, Spain, UK
G7	Group of 7: Canada, France, Germany, Italy, Japan, UK, US
G8	Group of 8: Canada, France, Germany, Italy, Japan, Russia, UK, US
GA	UN General Assembly
GAERC	General Affairs and External Relations Council of the European Union
GAO	US General Accounting Office
GB	Great Britain
GBAV	Global Burden of Armed Violence
GC	Governing Council
GCBP	Governorate Capacity Building Project
GCC	Gulf Co-operation Council
GCHQ	Government Communications Headquarters
GCIV	Fourth Geneva Convention
GCPP	Global Conflict Prevention Pool
GDP	Gross Domestic Product
GE	General Electric
Gen	General
GIP	Guaranteed Income Payments
GMT	Greenwich Mean Time
GNI	Gross National Income
GOC	General Officer Commanding
GOC MND(SE)	General Officer Commanding Multi-National Division (South-East)

GOF	Global Opportunities Fund
GOI	Government of Iraq
Gov	Government
GP	General Practitioner
GPS	Global Positioning Satellite
GRL	Goods Review List
GT	Governorate Team
GWB	George Walker Bush
GWOT	Global War On Terror

H

H of C	House of Commons
HA	Humanitarian Assistance
Habbaniyah	Town in Anbar province
HABITAT	UN Settlements Programme
HASCAS	Health and Social Care Advisory Service
Haditha Dam	Dam in Anbar province
Halabja	City in Sulaymaniyah province
Hayaniyah	Area of Basra, a militia stronghold
HCDC	House of Commons Defence Committee
HCL	Hydrocarbon Law
Headley Court	MOD rehabilitation centre for injured military personnel
Helmand	Province in Afghanistan
HEU	Highly Enriched Uranium
HGV	Heavy Goods Vehicle
HIC	Humanitarian Information Centre
Hillah	Capital of Babil province
HIPC	Heavily Indebted Poor Countries
HM	Her Majesty('s)
HMA	Her Majesty's Ambassador
HMCE	HM Customs and Excise
HMCG	Her Majesty's Consul General
HMG	Her Majesty's Government
HMIC	Her Majesty's Inspector of Constabularies
HMPS	Her Majesty's Prison Service
HMRC	Her Majesty's Revenue and Customs
HMS	Her Majesty's Ship

HMT	Her Majesty's Treasury
HMX	Type of explosive
HO	Home Office
HoC	House of Commons
HOM	Head of Mission
HQ	Headquarters
HQ ARRC	Headquarters Allied Rapid Reaction Corps
HQ MND(SE)	Headquarters Multi-National Division (South-East)
HR	High Readiness
HRD	Human Resources Department
HRH	His/Her Royal Highness
HRW	Human Rights Watch
HTF	Helmand Task Force
HUMINT	Human Intelligence
Hutton Inquiry	Inquiry into the Circumstances Surrounding the Death of Dr David Kelly CMG
HVD	High Value Detainee

I

IA	Interim Administration
IA	Iraqi Army
IA Div	Iraqi Army Division
IAB	Investment Appraisals Board
IAD	Internal Audit Department
IADS	Iraqi Air Defence Systems
IAEA	International Atomic Energy Agency
IAMB	International Advisory and Monitoring Board
IAOI	Islamic Action Organisation in Iraq
IBA	Iraqi Bar Association
IBC	Iraq Body Count
Ibn Sina	Suspected chemical weapons facility in Salah ad Din province
IBP	Iraqi Border Police
IBRD	International Bank of Reconstruction and Development
IC	International Community
I-CAP	Interim Country Assistance Plan
ICC	International Criminal Court

ICCC	Iraq Coalition Casualty Count
ICDC	Iraqi Civil Defence Corps
ICI	International Compact with Iraq
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	International Criminal Tribunal
ICTI	International Criminal Tribunal for Iraq
ICTY	International Criminal Tribunal for Yugoslavia
ID	Identification
ID	(US) Infantry Division
IDA	International Development Act
IDC	International Development Committee
IDF	Indirect Fire
IDP	Internally Displaced People
IEA	International Energy Agency
IEB	Intelligence Exploitation Base
IECI	Independent Electoral Commission of Iraq
IED	Improvised Explosive Device
IERF	Iraqi Economic Recovery Fund
IFF	Identification Friend or Foe
IFHS	Iraq Family Health Survey
IFIs	International Financial Institutions
IFOR	Implementation Force
IFRC	International Federation of Red Cross and Red Crescent Societies
IFV	Infantry Fighting Vehicle
IG	Iraqi Government
IGC	Iraqi Governing Council
IGFC	Iraqi Ground Forces Command
IGI	Interim Government of Iraq
IHEC	Iraqi Higher Electoral Commission
IHL	International Humanitarian Law
IHT	Iraqi Heritage Trust
IIA	Iraqi Interim Authority or Iraqi Interim Administration
IIC	Iraqi Interim Council
IIF	Iraqi Intervention Force
IIG	Iraqi Interim Government

IIGC	Iraqi Inspectors General Council
IINC	Iraqi Interim National Council
IIS	Iraqi Intelligence Service
IISG	Iraqi Information Strategy Group
IISP	Iraqi Infrastructure Services Programme
IISS	International Institute for Strategic Studies
IIWG	Iraqi Industry Working Group
ILAC	International Legal Assistance Consortium
ILAV	Iraqi Light Armoured Vehicle
IMF	International Monetary Fund
IMN	Iraqi Media Network
IMOD	Iraqi Ministry of Defence
IMOH	Iraqi Ministry of Health
IMOJ	Iraqi Ministry of Justice
INA	Iraqi National Accord
INC	Iraqi National Congress
Incirlik	Airbase in Turkey
IND	Improvised Nuclear Device
ING	Iraqi National Gathering
ING	Iraqi National Guard
INIS	Iraqi National Intelligence Service
INLA	Iraq National Liberation Act
INOC	Iraqi National Oil Company
INVO	Iraq Nuclear Verification Office
IO	Information Operations
IO	International Organisations
IOC	Initial Operating Capability
IOM	International Organisation for Migration
IOU	Iraq Operations Unit
IPA	International Police Adviser
IPAG	International Police Assistance Group
IPAT	International Police Assistance Team
IPE	Individual Protective Equipment
IPLO	International Police Liaison Officer
IPMF	International Police Monitoring/Mentoring Force
IPRT	DFID Iraq Policy and Reconstruction Team
IPS	Iraqi Police Service

IPT	Integrated Project Team
IPTF	International Police Training Force
IPU	Iraq Planning Unit (until mid-2003); Iraq Policy Unit (from mid-2003)
IRA	Irish Republican Army
IRAM	Improvised Rocket Assisted Mortar
IraqRep	Iraq Representative
IRDC	Iraq Reconstruction and Development Council
IRFFI	International Reconstruction Fund Facility for Iraq
IRGC	Islamic Revolutionary Guard Corps
IRGC-QF	Islamic Revolutionary Guard Corps – Quds Force
IRMO	Iraq Reconstruction and Management Office
IROG	Iraq Rehabilitation Operations Group
IRPS	Iraqi Riverine Patrol Service
IRRF	Iraq Relief and Reconstruction Fund
IRSM	Iraq Reconstruction Service Medal
IRT	Incident Response Team
ISAF	International Security Assistance Force
ISC	Intelligence and Security Committee
ISCI	Islamic Supreme Council of Iraq
ISD	In Service Date
ISF	Iraqi Security Forces
ISF HMMV	Iraqi Security Forces Humvee
ISFF	Iraq Security Forces Fund
ISG	Information Strategy Group
ISG	Iraq Security Group
ISG	Iraq Strategy Group
ISG	Iraq Survey Group
ISO	International Standards Organisation
ISOF	Iraqi Special Operations Forces
ISOG	Iraq Senior Officials Group
ISP	Internet Service Provider
ISR	Intelligence, Surveillance and Reconnaissance
ISSU	FCO Iraq Security Sector Unit
IST	Iraqi Special Tribunal
ISTAR	Intelligence, Surveillance, Target Acquisition and Reconnaissance

ITA	Iraqi Transitional Administration
ITCA	International Transitional Civil Authority
ITG	Iraqi Transitional Government
ITU	UN International Telecommunications Unit
IZ	International Zone

J

J NBC Reg	Joint Nuclear Biological Chemical Regiment
JACS	Joint Analysis of Conflict and Stability
Jadiriya	A detention facility in Baghdad
Jaysh Muhammad	Military wing of the Ba'ath Party
JAM	Jaysh al-Mahdi
JAM1	Detained member of Jaysh al-Mahdi
Jameat	A police station in Basra
JAMES	Joint Asset Management and Engineering Solutions
JARIC	Joint Air Reconnaissance Intelligence Centre
JC	Joint Commission
JCB	Joint Capability Board
JCC	Joint Co-ordination Centre
JCCC	Joint Casualty Co-ordination Centre
JCMEC	Joint Captured Material Exploitation Centre
JCTSR	Joint Committee to Transfer Security Responsibility
JDAM	Joint Direct Attack Munitions
JERRV	Joint Explosive Ordnance Disposal Rapid Response Vehicle
JFCOM	Joint Forces Command
JFHQ	Joint Forces Headquarters
JFLogC	Joint Forces Logistic Component
JHC	Joint Helicopter Command
JHF-I	Joint Helicopter Force – Iraq
JHQ	Joint Headquarters
JIATF	Joint Inter-Agency Task Force
JIB	Joint Implementation Board
JIC	Joint Intelligence Committee
JIDC	Joint Interrogation and Debriefing Centre
JIO	Joint Intelligence Organisation
JIPTC	Joint International Police Training College

JNA	Joint Needs Assessment
JOA	Joint Operational Area
JPA	Joint Personnel Administration
JPCC	Joint Police Command Centre
JRAT	Joint Reconstruction Action Team
JRSG	Japanese Reconstruction and Support Group
JSP	Joint Service Publication
Jt Cmnd Staffs	Joint Command Staffs
Jt Comd	Joint Command
JTAC	Joint Terrorism Analysis Centre
JTF-4	Joint Task Force 4
Jumariyah	District of Basra

K

KA	Kurdistan Alliance
KAA	Khawr Abd Allah waterway between Iraq and Kuwait
Kandahar	City in southern Afghanistan
Karbala	Province in central Iraq and its capital
Karbala Al Husayn	Shia shrine in Karbala province
KAZ	Kurdish Autonomous Zone
KCMHR	King's Centre for Military Health Research
KDP	Kurdish Democratic Party
KFOR	Kosovo Force
Khor al-Amaya	Oil platform in Basra province
Khor al-Zubair	City in Basra province
KIG	Kurdistan Islamic Group
Kirkuk	Province in northern Iraq and its capital
Kirkush	Location for training of Iraqi Army recruits north-east of Baghdad
KJ	Key Judgement
KNA	Kurdish National Assembly
KRG	Kurdistan Regional Government
KSF	Kuwait Support Facility
KSR	Key Service Requirement
Kufa	City in Najaf province
KUR	Key User Requirement

L

LA	Lord Advocate
Lake Qadisiyah	A lake in Anbar province
LAND	Land Command
LCC	Land Component Command
LCD	Lord Chancellor's Department
LD	Line of Duty
LE	Locally Engaged
LEC	Locally Employed Civilian
LIC	Lower Income Countries
LO	Liaison Officer
LOAC	Law of Armed Conflict
LOC	Line Of Communication
LOGCAP	Army Logistics Civil Augmentation Programme
LOO	Line of Operation
Loya Jirga	Pashtu grand assembly
LPG	Liquid Petroleum Gas
LRG	Liberation and Reconciliation Gathering
LSC	Legal Services Commission
LSE	London School of Economics
LSL	Landing Ships Logistics
LSSA	Land Systems South Africa
Lt Bde	Light Brigade
Lt Gen	Lieutenant General
LTSA	Long Term Security Arrangement

M

M*	A pre-detonation capability
MA	Mahdi Army
MA/CJO	Military Assistant to the Chief of Joint Operations
MACA	Military Aid to the Civil Authorities
Maj	Major
Maj Gen	Major General
MANPAD	Man Portable Air Defence System
Mansour	District in Baghdad
MAS	Manned Airborne Surveillance
MAS	Muqtada al-Sadr

MAS1	Associate of Muqtada al-Sadr
MaSTT	Maritime Strategic Transition Team
MAT	Military Assistance Team
Maysan	Province in south-east Iraq
MBT	Main Battle Tank
MCM	Mine Counter-Measures
MCNS	Ministerial Committee for National Security
MCU	Major Crimes Unit
MDHU	Military Defence Hospital Unit
MDP	Ministry of Defence Police
ME	Main Effort
MED	FCO Middle East Department
MEF	(US) Marine Expeditionary Force
MEK	Mujahideen e Khalq
MENA	FCO Middle East and North Africa Directorate
MENAD	FCO Middle East and North Africa Department
MEPP	Middle East Peace Process
MEU	Marine Expeditionary Unit
MFA	Ministry of Foreign Affairs
MGO	Master General of the Ordnance
MI5	Security Service
MI6	Secret Intelligence Service (SIS)
MIC	Military Industrial Commission
MIG	Mohan Initiative Group
Mil	Military
Min(AF)	Minister for the Armed Forces
Min(DP)	Minister for Defence Procurement
MiTT	Military Training Team or Transition Team
MJDI	Management of the Joint Deployed Inventory
MMIT	Management of Material in Transit
MMW	Military Managed Ward
MNC-I	Multi-National Corps – Iraq
MND	Multi-National Division
MND(C)	Multi-National Division (Centre)
MND(CS)	Multi-National Division (Centre-South)
MND(S)	Multi-National Division (South)
MND(SE)	Multi-National Division (South-East)

MNF-I	Multi-National Force – Iraq
MNSTC-I	Multi-National Security Transition Command – Iraq
MO	Modus Operandi (method of operating)
MOD	Ministry of Defence
MoG	Machinery of Government
MOI	Ministry of the Interior
MOJ	Ministry of Justice
MoO	Ministry of Oil
Mosul	Capital of Ninawa province
MOTS	Modified Off The Shelf
MOU	Memorandum of Understanding
MP	Member of Parliament
MPPV	Medium Weight Protected Patrol Vehicle
MRAP	Mine Resistant Ambush Protected Vehicle
MS	Medium scale
MSTF	Manoeuvre Support Task Force
Mukhabarat	Iraqi General Intelligence Service
Muthanna	Province in south Iraq
MW	Megawatt

N

NACMO	Net Additional Cost of Military Operations
NAG	Northern Arabian Gulf
NAIAD	Nerve Agent Immobilised Enzyme Alarm Detectors
Najaf	Province in south-west Iraq and its capital
Najibiyah	Town in Basra province
NAM	Non-Aligned Movement
NAO	National Audit Office
Nasiriyah	Capital of Dhi Qar province
NATO	North Atlantic Treaty Organization
NaTT	Navy Training Team
NBC	Nuclear Biological Chemical
NCC	National Contingent Commander
NCD	National Council for Dialogue
NCHQ	National Contingent Headquarters
NCO	Non-Commissioned Officer
NDA	National Democratic Alliance

NDS	National Development Strategy
NF	National Force
NFZ	No-Fly Zone
NGO	Non-Governmental Organisation
NHS	National Health Service
NI	Northern Ireland
NIA	New Iraqi Army
NICC	National Intelligence Co-ordination Council
NICEP	National Independent Cadres and Elites Party
NIE	National Intelligence Estimate
NIIA	National Intelligence and Investigation Agency
Ninawa	Province in northern Iraq
NIO	Northern Ireland Office
NK	North Korea
NMD	National Monitoring Directorate of Iraq
NO	Notification Officer
No.10	Number 10 Downing Street
NOC	National Oil Corporation
NOFORN	No Foreigners
NOK	Next of Kin
NP	National Police
NPD	Non-Proliferation Department
NPT	Non-Proliferation Treaty
NRC	New Regional Command
NRF	NATO Response Force
NSC	National Security Council
NSID	Committee on National Security, International Relations and Development
NSID(IR)	International Relations Sub-Committee of the Committee on National Security, International Relations and Development
NSID(OD)	Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Development
NSPD	National Security Presidential Directive
NSS	National Security Strategy
NTE	Not to Extend
NTM	NATO Training Mission
NUG	National Unity Government

O

OA	Operational Analysis
OAB	Oil Advisory Board
OCHA	Office for the Co-ordination of Humanitarian Affairs
OD	Overseas and Defence
OD Sec	Cabinet Office, Overseas and Defence Secretariat
ODA	Overseas Development Administration
ODPM	Office of the Deputy Prime Minister
OECD	Organisation for Economic Co-operation and Development
OFDA	Office for Foreign Disaster Assistance
OFF	Oil-for-Food
Oftel	Office of Telecommunications
OGC	Office of the General Counsel
OGDs	Other Government Departments
OIC	Organization of the Islamic Conference (known since 2011 as the Organisation of Islamic Cooperation)
OM(C)	Operator Mechanic (Communications)
OMLT	Operational Mentoring Liaison Team
OMS	Office of the Martyr Sadr
OMV	Ongoing Monitoring and Verification
OOW	Operation Overwatch
Op	Operation
OP	Operative Paragraph
Op AMPERE	Power generation project
Op Desert Fox	US-led operation against Iraq in 1998
Op Desert Storm	Coalition military operation to liberate Kuwait in 1991
Op FRESCO	Military cover in the event of a firefighters strike
Op GRANBY	UK military operation in Kuwait in 1991
Op HAVEN	UK's contribution to Op Provide Comfort
Op HERRICK	UK military operation in Afghanistan
Op JACANA	Codename for a series of operations in Afghanistan by Royal Marines
Op JURAL	UK contribution to enforce southern No-Fly Zone in Iraq
Op KEIR	Repatriation of Service Personnel
Op NORTHERN WATCH	UK contribution to enforce northern No-Fly Zone in Iraq
Op Provide Comfort	US-led operation to provide humanitarian relief to the Kurds

Op ROCKINGHAM	UK intelligence support for UN disarmament activities in Iraq
Op SALAMANCA	Operation to implement the Iraqi Government's security plan in Basra
Op Sec	Operational Security
Op SOUTHERN WATCH	Operation to enforce southern No-Fly Zone
Op SINBAD	New name given to Op SALAMANCA
Op Stonehenge	Operation to enhance the protection of personal bunkers
Op TELIC	UK military operation in Iraq
Op THYME	Operation to disband Basra's Serious Crime Unit
Op Vigilant Response	US operation to block routes in and out of Fallujah
Op WARDEN	No-Fly Zone operation to prevent attacks on Kurds
Op Zenith	Operation to reduce UK forces on the ground in a combat role and return them to bases
OPEC	Organization of the Petroleum Exporting Countries
Ops	Operations
OPTAG	MOD Operational Training and Advisory Group
ORA	Operational Readiness Assessment
ORHA	Office of Reconstruction and Humanitarian Assistance
OROSM	Overarching Review of Operational Stress Management
OSA	Overseas Security Adviser
OSC	Office of Security Co-operation
OSCE	Organization for Security and Co-operation in Europe
OSD	US Office of the Secretary of Defense
OSD	Out of Service Date
OSM	Overseas Security Manager
OT	Operations Team
OWP	Operational Welfare Package

P

P5	Permanent 5: China, France, Russia, UK, US
P9	The nine members of the rotating Presidency of the Iraqi Governing Council
pa	Per annum
PAC	Public Accounts Committee
PAT	Police Assistance Team or Police Advisory Team
PBR	Pre-Budget Report
PC	Plaid Cymru

PC	Political Council
PCO	Project and Contracting Office
PCRf	Primary Casualty Receiving Facility
PCRU	Post-Conflict Reconstruction Unit
PCT	Project Continuity Team
PDoP	Provincial Director of Police
PDS	Provincial Development Strategy
Perm Sec	Permanent Secretary
PGF	Presidential Guard Force
PGM	Precision Guided Munitions
PIC	Provincial Iraqi Control
PIR	Passive Infra Red
PIRA	Provisional Irish Republican Army
PIU	Police Intelligence Unit
PJCC	Provincial Joint Co-ordination Centre
PJHQ	Permanent Joint Headquarters
PJOC	Provincial Joint Operations Centre
PKB	Peace-Keeping Budget
PLP	Parliamentary Labour Party
PM	Prime Minister
PM	Protected Mobility
PMF	Popular Mobilisation Forces
PMO	Program/Project Management Office
PMQs	Prime Minister's Questions
PMU	Prosecution Mentoring Unit
POE	Port of Entry
Pol Mil	Politico-military
POLAD	Policy Adviser or Political Adviser
POTUS	President of the United States
POW	Prisoner of War
PP	Preambular Paragraph
PPF	Palace Protection Force
PPV	Protected Patrol Vehicle
PQ	Parliamentary Question
PR	Public Relations
PRB	Program Review Board
PRC	People's Republic of China

prima facie	At first sight
Project AJAX	MOD project to improve handling of inquest/service to families
Project DUCKBOARD	Project relating to light protection mobility vehicles
Project L*	An electronic countermeasures project
Project OSIRIS	Project to provide vehicles and other defence equipment to Iraq
PRT	Provincial Reconstruction Team
PS	Private Secretary
PSA	Production Sharing Agreement
PSCE	Public Sector Current Expenditure
PSNI	Police Service of Northern Ireland
PSO	Peace Support Operation
PSO/CDS	Principal Staff Officer to the Chief of the Defence Staff
PST	Provincial Support Team
PTSD	Post Traumatic Stress Disorder
PTT	Police Transition Team or Police Training Team
PU	People's Union
PUK	Patriotic Union of Kurdistan
PUS	Permanent Under Secretary
PUSS	Parliamentary Under Secretary of State
PVR	Premature Voluntary Retirement
PW	Prisoner of War

Q

Q&A	Questions and Answers
Qadisiyah	Province in central south-east Iraq
Qalat Sikar	Airbase in Maysan Province
QC	Queen's Counsel
Qibla	Militia stronghold
QIP	Quick Impact Project
QRF	Quick Reaction Force
QRF	Quick Response Fund
Quai d'Orsay	French Foreign Ministry

R

R day	Point at which the rotation of combat units formally commenced
R&D	Research and Development
R&O	Repair and Overhaul
R&R	Rest and Recuperation
RA	Research Analysts
RA	Regular Army
RAB	Resource Accounting and Budgeting
RAD	Research Analysts Department
RAdm	Rear Admiral
RAF	Royal Air Force
Ramadan	Islamic religious holiday
Ramadi	Capital of Anbar province
RAMP	Reception Arrangements for Military Patients
RAND	Rand Organisation
Rasheed	Air base in Diyala province
RauxAF	Royal Auxiliary Air Force
RC	Radio Control
RCDM	Royal Centre for Defence Medicine
RCIED	Radio Controlled Improvised Explosive Device
RCT-5	Regimental Combat Team (5th US Marine Corps)
RDD	Radiological Dispersal Devices
RDD	Required Delivery Date
RDEL	Resource Departmental Expenditure Limits
REO	US Regional Embassy Office
RFA	Royal Fleet Auxiliary
RG	Republican Guard
RGFC	Republican Guard Forces Command
RIO	Restore Iraq Oil
RiP	Relief in Place
RM	Royal Marines
RMHP	Reserves Mental Health Programme
RMP	Royal Military Police
RN	Royal Navy
RO	Response Options
ROE	Rules of Engagement

Ro-Ro	Roll-on Roll-off
ROW	Rest of World
RPG	Rocket Propelled Grenade
RPTA	Regional Police Training Academy
RPV	Remotely Piloted Vehicles
RRT	Regional Reconstruction Team
RRU	Regional Rehabilitation Units
RSG	Reconciliation Steering Group
RSOI	Reception, Staging, Onward Movement and Integration
RTI	US organisation funded by USAID to build local government capacity in Iraq
RUC	Royal Ulster Constabulary
RUSI	Royal United Services Institute
RVD	Residual Vapour Detectors
RW	Rotary Wing

S

S of S	Secretary of State
S2O	Support to Operations
SABR	Support Amphibious Battlefield Helicopters
SAC	Survey Analysis Centre
SACEUR	Supreme Allied Commander Europe
Sadr City	Suburb of Baghdad
SAF	Small Arms Fire
SAF	Stabilisation Aid Fund
Safwan	Town in Basra province
Saif Sareena II	Military exercise to assess equipment
Salah ad Din	Province in central Iraq
SAM	Surface to Air Missile
Samarra	City in Salah ad Din province
Samawah	Capital of Muthanna province
SBA	Stand-By Arrangement
SBLA	Senior British Land Adviser
SBMA	Senior British Military Adviser
SBMR-I	Senior British Military Representative – Iraq
SC	Security Committee
SC	Security Council

SCA	Strategic Conflict Assessment
SCIRI	Supreme Council for Islamic Revolution in Iraq
SCOG	Support to the Centre of Government
SCP	Sector Control Point
SCR	Security Council Resolution
SCU	Strategic Communications Unit
SDE	Statement on the Defence Estimates
SDR	Strategic Defence Review
SDSR	Strategic Defence and Security Review
SE	Scottish Executive
SE	South-East
Sec (O)	MOD Secretariat (Overseas)
Sec Pol	Security Policy
SECCOS	Secretary to the Chiefs of Staff Committee
SF	Special Forces
SFA	Service Family Accommodation
SFA	Strategic Framework Agreement
SG	Secretary-General
SG	Special Groups
SH	Support Helicopter
Shatt al-Arab	River running through Basra province
SI	Service Inquiry
SIB	Special Investigation Branch
SIESP	Southern Iraq Employment and Services Programme
SIGACTS	Significant Activities
SIGINT	Signals Intelligence
SIGIR	US Special Inspector General for Iraq Reconstruction
sine qua non	Essential action or condition
Sinjar	Town in Ninawa province
SIS	Secret Intelligence Service
SISG	Southern Iraq Steering Group
SJSR	Security and Justice Sector Reform
SLA	Scottish Lord Advocate
SLA	Service Level Agreement
SLB	Shaiba Logistics Base in Basra province
SLE	Spearhead Land Element
SMART	MOD acquisition process

SMD	Security Management Department
SNFZ	Southern No-Fly Zone
SOAS	School of Oriental and African Studies
SOC	Survey Operations Centre
SOE	State Owned Enterprise
SOF	Special Operations Forces
SOFA	Status of Forces Agreement
SofS	Secretary of State
Sol	Sons of Iraq
SOR	Statement of Requirement
SoS	Secretary of State
SOSA	Senior Overseas Security Adviser
SOSDEF	Secretary of State for Defence
SOSFCA	Secretary of State for Foreign and Commonwealth Affairs
SpAd	Special Adviser
SPB	Service Personnel Board
SPG	MOD Strategic Planning Group
SPOD	Sea Point of Disembarkation
SPVA	Service Personnel and Veterans Agency
Sqn	Squadron
SRBM	Short Range Ballistic Missile
SRG	Special Republican Guard
SRO	Senior Responsible Owner
SRSG	Special Representative of the Secretary-General
SRT	Stabilisation Response Team
SS	Steady State
SSAFA	Soldiers, Sailors, Airmen and Families Association
SSC	Steady-State Criteria
SSE	Sensitive Site Exploitation
SSE	Spring Supplementary Estimate
SSO	Special Security Organisation
SSR	Security Sector Reform
STBA	Short-Term Business Attachment
STP	Short-Term Plan
STTTs	Short-Term Training Teams
SU	Stabilisation Unit
sui generis	In a class by itself

Sulaymaniyah	Province in north-eastern Iraq and its capital
SUV IPT	Specialist Utility Vehicles Integrated Project Team
SVN	Stabilisation Volunteer Network
SWAT	Special Weapons and Tactics

T

T&G	Temporary and Geographical
TA	Territorial Army
Taji	Airbase in Baghdad province
TAL	Transitional Administrative Law
Tal Afar	Town in Ninawa province
Tallil	Airbase in Dhi Qar province
Ta'min	Former name of Kirkuk province
TAT	Technical or Transitional Advisory Team
TAV	Total Asset Visibility
TBS	Transition Bridging Strategy
TCA	Transitional Civilian Administration
TEL	Transport Erector Launchers
TF D/E	Task Force Disablement and Elimination
<i>The Lancet</i>	United Kingdom medical journal
TI	Transparency International
TID(O)	Overseas Sub-Committee of the Official Committee on Domestic and International Terrorism
Tikrit	Capital of Salah ad Din province
TIP	Transition Integration Programme
TLA	Transitional Legislative Assembly
TLAM	Tomahawk Land Attack Missile
TME	Total Managed Expenditure
TNA	Transitional National Assembly
TOA	Transfer of Authority
TOR	Terms of Reference
TPS	Transportable Production System
TPUK	Trade Partners UK
TRA	Transition Readiness Assessment
TRB	Theatre Reserve Battalion
TRiM	Trauma Risk Management
TSA	Technical Service Agreement

TSI	Technical Support to Iraq
TSU	Tactical Support Unit
TTP	Tactics, Techniques and Procedures
TU	Turkey
TUAV	Tactical Unmanned Aerial Vehicle
TUC	Trades Union Congress
U	
U2	High altitude reconnaissance aircraft
U-6	Undecided 6: Angola, Cameroon, Chile, Guinea, Mexico, Pakistan
UAE	United Arab Emirates
UAV	Unmanned Aerial Vehicle
UHBFT	University Hospital Birmingham Foundation Trust
UIA	United Iraqi Alliance
UIC	United Iraqi Coalition
UK Div HQ	UK Divisional Headquarters
UKBA	United Kingdom Border Agency
UKDEL	UK Delegation
UKDEL IMF	UK Delegation to the International Monetary Fund
UKMIS NY	UK Permanent Mission to the UN in New York
UKMOD	UK Ministry of Defence
UKRep	UK Permanent Representation to the EU
UKSF	UK Special Forces
UKTI	UK Trade and Investment
Umm Qasr	Port in Basra province
UN	United Nations
UN SC	UN Security Council
UNAMI	UN Assistance Mission for Iraq
UND	FCO United Nations Department
UNDP	UN Development Programme
UNEP	UN Environmental Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNFICYP	UN Forces in Cyprus
UNGA	UN General Assembly
UNHCR	UN High Commission for Refugees
UNICEF	UN Children's Emergency Fund

UNIFEM	UN Development Fund for Women
UNIKOM	UN Iraq-Kuwait Observation Mission
UNJLC	UN Joint Logistics Centre
UNMI	UN Mission to Iraq
UNMIK	UN Mission in Kosovo
UNMOVIC	UN Monitoring, Verification and Inspection Commission
UNOCS	UN Office of Constitutional Support
UNOIP	UN Office of Iraq Programme
UNOPS	UN Office for Project Services
UNSC	UN Security Council
UNSC	UN Special Co-ordinator
UNSCOM	UN Special Commission
UNSCR	UN Security Council Resolution
UNSG	UN Secretary-General
UNTAET	UN Transitional Administration in East Timor
UOR	Urgent Operational Requirement
UQP	Umm Qasr Port
URD	User Requirement Document
US DOD	US Department of Defense
USACE	US Army Corps of Engineers
USAF	US Air Force
USAID	US Agency for International Development
USAID OIG	US Agency for International Development Office of Inspector General
USMC	US Marine Corps
USR	Urgent Sustainability Requirement
USUN	US Mission to the UN
USUR	Urgent Statement of User Requirement
UXO	Unexploded Ordnance

V

VAdm	Vice Admiral
VAT	Value Added Tax
VBIED	Vehicle-Borne Improvised Explosive Device
VCDS	Vice Chief of the Defence Staff
VFM	Value for Money
VITAL	Visibility in Transit Asset Logging

VO	Visiting Officer
VP	Vice President
VRF	Volunteer Reserve Forces
VTC	Video Teleconference
VX	A chemical nerve agent

W

Wasit	Province in eastern Iraq
WFP	World Food Programme
WHO	World Health Organization
WMD	Weapons of Mass Destruction
WMIK	Weapons Mount Installation Kit
WMR	War Maintenance Reserve
WMS	Written Ministerial Statement
WMSL	Weapons of Mass Destruction Master Site List
WPS	War Pensions Scheme
WSE	Winter Supplementary Estimate
WTO	World Trade Organization
WWII	World War 2

X

XTF-75	Exploitation Task Force-75
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Y

YTF	Yet-To-Find
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ANNEX 3

NAMES AND POSTS

A

Abbas	(General) Iraqi Army Commander
Abdullah, Tariq	Prime Minister Maliki's Chief of Staff
Abdul-Mahdi, Adil	Iraqi Minister of Finance, June 2004-April 2005, Vice President of Iraq, April 2005-July 2011
Abel, Richard	Principal Private Secretary to the Business, Innovation and Skills Secretary, October 2007-September 2010
Abizaid, John	(General) Director of Joint Staff in the Pentagon, October 2001-January 2003 Deputy Commander to General Franks, January 2003-July 2008 Commander, US Central Command (CENTCOM), July 2003-March 2007
Abrams, Elliot	US National Security Council Senior Director for Democracy, Human Rights and International Organizations, June 2001-February 2005
Abu Qadir, Wissam	Basra Jaysh al-Mahdi leader
Adams, Cathy	Legal Counsellor to Lord Goldsmith, 2002-2005 Inquiry witness
Adams, Geoffrey	Principal Private Secretary to the Foreign Secretary, 2003-2005 (Sir) British Ambassador to Iran 2006-2009 Inquiry witness
Adams, Terry	CPA Oil Team Technical Expert
Aflaq, Michael	Co-founder of the Ba'ath Party
Ahmadinejad, Mahmoud	President of Iran, 2005-2013
Ainsworth, Bob	Minister for the Armed Forces, June 2007-May 2009 Defence Secretary, June 2009-May 2010 Inquiry witness
Akram, Munir	Pakistani Permanent Representative to the UN, 2002-2008
al-Ahmad, Muhammad Tunis	Former senior Ba'athist and founder of the New Regional Command
al-Asadi, Adnan	Iraqi Deputy Interior Minister

al-Assad, Bashar	President of Syria, 2000-present
al-Bakr, Ahmad Hasan	President of Iraq, 1968-1979
al-Bitar, Salah al-Din	Co-founder of the Ba'ath Party
al-Bulani, Jawad	Iraqi Interior Minister, June 2006-December 2010
al-Daraji, Raheem	(Sheikh) Mayor of Sadr City
al-Douri, Izzat Ibrahim	Senior Ba'athist and founder of the New Regional Command Vice Chairman of the Revolutionary Council (Iraq), 1979-2003
al-Dulaimi, Saadoun	Iraqi Defence Minister, June 2005-March 2006
al-Faiz, Sheikh Amr	Tribal leader
al-Hadithi	Iraqi Foreign Minister, 2001-2003
al-Hakim, Abdul Aziz	Leader of the United Iraqi Alliance and of the Supreme Council for Islamic Revolution of Iraq, 2003-2009
al-Hakim, Muhammed Baqir	(Ayatollah) Spiritual leader of the Supreme Council for Islamic Revolution in Iraq, 1982-2003
al-Hasani, Mohammed	Governor of Muthanna province until March 2007
al-Hashemi, Aqila	(Dr) Member of the Governing Council, July 2003-June 2004
al-Hassani, Hajem	Industry Minister, June 2004-May 2005 Speaker, Transitional National Assembly, April 2005-April 2006 Vice President of Iraq
Al-Hussein, Abdullah II bin	King of Jordan, February 1999-present
al-Huwaish, Abd	Head of the Iraqi Military Industrial Commission
al-Iraqi, Abd al Hadi	Senior Al Qaida commander
al-Ja'afari, Ibrahim	(Dr) Deputy President of Iraq, 2004-2005 Prime Minister of Iraq, May 2005-May 2006
al-Jedda, Hilal	Former Iraqi detainee
al-Majid, Ali Hasan	(Colonel General) "Chemical Ali", cousin of Saddam Hussein Director, Iraqi Intelligence Service, 1995-April 2003
al-Maliki, Nouri	Presidential candidate for the United Iraqi Alliance Prime Minister of Iraq, June 2006-September 2014
al-Marashi, Ibrahim	(Dr) Research Associate, Centre for Non-Proliferation Studies
al-Masri, Ayb Awub	Leader of Al Qaida in Iraq
al-Musawi, Sayyid Abdul	Shia cleric
al-Naqib, Falah Hassan	Iraqi Interior Minister

al-Qadir, Wissam	Jaysh al-Mahdi Commander
al-Rhado, Rhadi Hamza	Chairman, Commission on Integrity, 2004-2007
al-Rubaie, Mowaffak	(Dr) Iraqi National Security Adviser, 2004-2009
al-Saad, Hassan	(Major General) Chief of Police for Basra
al-Sa'adi, Amir	(Dr) Scientific Adviser to the Iraqi Presidency to 2003
al-Sadr, Muqtada	Iraqi Shia cleric, politician and militia leader
al-Safi, Safa	(Dr) Iraqi Acting Justice Minister
al-Saghir, Jalal Al-Din	(Sheikh) Member of the de-Ba'athification Commission
al-Sahaf, Mohammed Said	Iraqi Foreign Minister, 1992-2001
al-Samarri'e, Ayad	Speaker, Iraqi Council of Representatives, April 2009-November 2010
Al-Saud, Abdullah bin Abdulaziz	Crown Prince of Saudi Arabia, 1982-2005
Al-Saud, Fahd bin Abdulaziz	King of Saudi Arabia, June 1982-August 2005
al-Shahmani, Adnan	Founder of the Iraqi National Gathering
al-Shahristani, Hussain	Iraqi Minister of Oil, May 2006-December 2010
al-Sharaa, Farouk	Syrian Permanent Representative to the UN Syrian Deputy Prime Minister and Minister for Foreign Affairs, March 1984-February 2006
al-Shaybani, Ahmad	Senior Jaysh al-Mahdi Commander
al-Sistani, Ali	(Grand Ayatollah) Most senior authority in the Iraq Shia community
al-Sudani, Abdel Falah	Iraqi Trade Minister, 2006-2009
al-Tikriti, Abid Hamid Mahmud	(Lieutenant General) Personal Secretary to Saddam Hussein until 2003
al-Ubaidi, Mahdi	Head, Iraqi gas centrifuge programme
al-Wa'ili, Sherna	Iraqi Minister for National Security, June 2006-September 2009
al-Yaqubi, Mustafa	Senior aide to Muqtada al-Sadr
al-Yawar, Ghazi	President of Iraq, 2004-2005 Vice President of Iraq, 2005-2006
al-Zarqawi, Abu Musab	Leader of Al Qaida in Iraq
Alami, Ali Faisal	Director General, de-Ba'athification Commission's Follow-Up and Implementation Department
Albright, Madeleine	(Dr) US Secretary of State, January 1997-January 2001
Aldouri, Mohammed	Iraqi Permanent Representative to the UN, 2001-2003

Alexander, Douglas	Cabinet Office Minister, June 2003-September 2004 International Development Secretary, 2007-2010 Inquiry witness
Allan, Alex	Department for Constitutional Affairs, Permanent Secretary, August 2004-June 2007
Allan, Keith	Trade Partners UK, Deputy Director, International Group 1
Allawi, Ali A	(Dr) Minister of Defence, Iraqi Interim Government Minister of Finance, Iraqi Transitional Government
Allawi, Ayad	(Dr) Leader of the Iraqi National Accord President of the Governing Council, October 2003 Prime Minister of Iraq, 2004-2005
Alvear, Soledad	Chilean Foreign Minister
Aly Azad Rana, Kipkorir	Kenyan Deputy Permanent Representative to the UN, 1997-1998
Amorim, Celso	President of the Security Council, January 1999 Brazilian Permanent Representative to the UN in New York, 1995-1999
Amos, Valerie	(Baroness) FCO Parliamentary Under Secretary of State, 2001-2003 International Development Secretary, May-October 2003
Ancram, Michael	Deputy Leader of the Opposition and Shadow Foreign Secretary, September 2001-May 2005
Anderson, Donald	Chairman, House of Commons Foreign Affairs Committee, July 1997-July 2005
Anderson, Michael	DFID, Head, Middle East and North Africa Department, 2005-2008
Anderson, Roy	(Professor, Sir) MOD Chief Scientific Officer, October 2004-September 2007
Andrews, Ian	MOD, 2nd Permanent Under Secretary, 2002-March 2009
Annan, Kofi	UN Secretary-General, 1997-2006
Applegate, Richard	(Major General) MOD Capability Manager for Battlespace Manoeuvre
Arafat, Yasser	Chairman, Palestine Liberation Organisation, 1969-2004
Archer, Peter	(Lord Archer of Sandwell) Solicitor General, 1974-1979
Arias, Inocencio	Spanish Permanent Representative to the UN, 1997
Armitage, Richard	US Deputy Secretary of State, March 2001-February 2005
Armstrong, Hilary	Chief Whip, House of Commons, June 2001-May 2006
Arthur, Michael	FCO Director Economic, 2001-2003

Asquith, Dominic	Deputy Chief Commissioner in the CPA, Deputy Special Representative and Deputy Head of Mission, Iraq during 2004 FCO Director Iraq, 2004-2006 British Ambassador to Iraq, 2006-2007 Inquiry witness
Asselborn, Jean	Minister for Foreign and European Affairs, Luxembourg (Presidency of EU Troika)
Austin, Chris	DFID, Head, Iraq Policy and Reconstruction Team
Austin, Lloyd	(Lieutenant General) US Commander, Multi-National Corps – Iraq, 2008-2010
Aylwin-Foster, Nigel	(Brigadier) Commander, CMATT
Aziz	(Major General) Deputy Commander, 11th Iraqi Army Division
Aziz, Tariq	Iraqi Deputy Prime Minister, 1979-2003 Iraqi Foreign Minister, 1983-1991
Aznar, José María	Prime Minister of Spain, 1996-2004
B	
Bach, William	(Lord) Parliamentary Under Secretary of State and MOD Minister for Defence Procurement, June 2001-May 2005 Ministry of Justice Parliamentary Under Secretary of State, October 2008-May 2010 Inquiry witness
Bagnall, Anthony	(Air Chief Marshal, Sir) Vice Chief of the Defence Staff, 2001-2005 Inquiry witness
Bahr al-Ulum, Ibrahim	Iraqi Minister of Oil, May-December 2005
Baird, Vera	Department of Constitutional Affairs Parliamentary Under Secretary of State, 2006-2007
Baker, Chris	MOD Director General Service Personnel Policy, 2006-2008
Baker, Frank	FCO, Head, Iraq Group, 2007-2010 Inquiry witness
Baker III, James A	US Secretary of State, January 1989-August 1992 President Bush's Personal Envoy on Iraqi Debt, and US Co-Chairman of the Iraq Study Group, 2003-2006
Balkenende, Jan Peter	Prime Minister of the Netherlands, July 2002-October 2010

Balls, Ed	Special Adviser to the Chancellor of the Exchequer, 1997-2003 Inquiry witness
Balmer, Colin	MOD Finance Director
Banerji, Arnab	Economic adviser to the Prime Minister
Banner, Nick	Private Secretary to the Prime Minister
Barker, John	Cabinet Office, Director, Corporate Development Group
Barroso, José Manuel Durão	Prime Minister of Portugal, April 2002-July 2004
Bartlett, Dan	President Bush's Communications Director, 2001-2005 Counsellor to President Bush, 2005-2007
Barton, Dick	(Assistant Chief Constable) UK Chief Police Adviser – Iraq, March 2006-March 2007 Inquiry witness
Barton, Philip	Private Secretary to the Prime Minister, 1997-2000
Barzani, Masoud	Leader of Kurdish Democratic Party since 1979
Barzani, Nechirvan	Prime Minister, Kurdish Regional Government, 2006-2009
Bassett, Philip	Special Adviser to Mr Blair
Baxter, Johnny	Deputy Head of DFID office Baghdad, August 2007 Head of DFID office Baghdad, October 2007-May 2008 Inquiry witness
Beadle, Nick	Coalition Senior Adviser to the Iraqi Ministry of Defence, 2004-2005
Bearpark, Andy	UN Deputy Special Representative in Kosovo, 2000-2003 CPA Director of Operations and Infrastructure, June 2003-July 2004 Inquiry witness
Beaver, Sarah	(Dr) PJHQ, Command Secretary, 2007-2008
Beckett, Margaret	Environment, Food and Rural Affairs Secretary, June 2001-May 2006 Foreign Secretary, May 2006-June 2007 Inquiry witness
Beith, Alan	Deputy Leader of the Liberal Democrats, April 1992-February 2003
Belinga-Eboutou, Martin	Cameroonian Permanent Representative to the UN, March 1998-December 2007
Bellinger III, John	US National Security Council Legal Adviser in 2003 US State Department Legal Adviser, April 2005-March 2009

Benn, Hilary	Minister for International Development, May-October 2003 International Development Secretary, October 2003-June 2007 Inquiry witness
Berger, Sandy	President Clinton's National Security Advisor, March 1997-January 2001
Berlusconi, Silvio	Prime Minister of Italy, 2001-2006 and 2008-2011
Berman, Frank	(Sir) FCO Legal Adviser, 1991-1999 Inquiry witness
Berragan, Gerald	(Major General) Deputy Commander (Operations), Multi-National Corps – Iraq, January-October 2007
Berrocal Soto, Fernando	Costa Rican Permanent Representative to the UN, 1994-1998
Bethlehem, Daniel	FCO Legal Adviser, May 2006-May 2011 Inquiry witness
Bewes, Anna	Principal Private Secretary to the International Development Secretary, August 2001-August 2003
Biddle, Stephen	(Dr) Academic and journalist
Biden, Joe	(Senator) Chair of the Senate Foreign Relations Committee, 2001-2003 and 2007-2009
Bill, Ian	Chairman and CEO, Foster Wheeler Energy Ltd, July 1998-2004
Bin Laden, Usama	2nd General Emir of Al Qaida, 1989-May 2011
Binns, Graham	(Brigadier) Commander, 7 Armoured Brigade, 2001-2003 (Major General) General Officer Commanding Multi-National Division (South-East), August 2007- February 2008 Inquiry witness
Blackshaw, Alison	Alastair Campbell's Senior Assistant
Blackwill, Bob	(Ambassador) US National Security Council Deputy for Iraq, 2003-2004
Blake, Nicholas	Queen's Counsel, Deepcut Review, 2004-2006
Blix, Hans	(Dr) Director General, International Atomic Energy Agency, 1981-1997 Executive Chairman of United Nations Monitoring, Verification and Inspection Commission, March 2000-June 2003 Inquiry witness
Blunkett, David	Home Secretary, June 2001-December 2004

Boateng, Paul	Chief Secretary to the Treasury, May 2002-May 2005 (Lord) Inquiry witness
Bolton, John	US Under Secretary of State for Arms Control and International Security, May 2001-July 2005 (Ambassador) US Permanent Representative to the UN, August 2005-December 2006
Boulani, Jawad	Iraqi Minister of the Interior, June 2006-December 2010
Bourne, John	Head, Dhi Qar Governorate Team
Boutros-Ghali, Boutros	UN Secretary-General, January 1992-December 1996
Bowden, Jamie	Deputy Head of Mission, British Embassy Baghdad, September 2004-February 2005 Inquiry witness
Bowen, Desmond	MOD Director General Operational Policy, 2001-2002 Deputy Head, Cabinet Office Overseas and Defence Secretariat, September 2002-October 2004 MOD Policy Director, November 2004-October 2008 Inquiry witness
Bowen, Stuart	US Special Inspector General for Iraq Reconstruction, October 2004-October 2013
Bowler, James	Principal Private Secretary to the Prime Minister, 2010-December 2011
Bowman, Mark	Private Secretary to the Chancellor of the Exchequer, 2001-2004
Boyce, Michael	(Admiral, Sir) Chief of the Defence Staff, February 2001-May 2003 (Lord) Inquiry witness
Boylan, Steven	(Colonel) General Petraeus' spokesman, February 2007-September 2008
Bradshaw, Adrian	(Major General) Commander, 7 Armoured Brigade, March 2003-2006 Inquiry witness
Bradshaw, Ben	FCO Parliamentary Under Secretary of State, June 2001-May 2002
Brahimi, Lakhdar	Special Representative of the UN Secretary-General for Afghanistan and Head of the UN Assistance Mission in Afghanistan, October 2001-December 2004 UN Special Adviser on Iraq, January-June 2004
Brand, Douglas	(Deputy Chief Constable) UK Senior Policing Representative in Baghdad, July 2003-September 2004 Inquiry witness
Bremer III, L Paul (Jerry)	(Ambassador) Administrator, CPA, May 2003-June 2004

Brenton, Tony	Deputy Head of Mission, British Embassy Washington, 2001-2004 Chargé d’Affaires, British Embassy Washington Inquiry witness
Brewer, Nicola	(Dr) DFID Director General Regional Programmes, 2002-2004 Inquiry witness
Brims, Robin	(Major General) UK Land Contingent Commander and General Officer Commanding 1st Armoured Division, 2000-2003 Deputy Chief of Joint Operations, 2003-2005 (Lieutenant General) Senior British Military Representative – Iraq, April-October 2005 Inquiry witness
Brind, Bridget	FCO, Deputy Head, Iraq Planning Unit
Bristow, Laurie	(Dr) FCO, Deputy Director, Iraq Planning Unit, 2003
Brookes, Diana	FCO, Legal Counsellor, 1999-2010
Brown, Chris	(Lieutenant General) Senior British Military Representative – Iraq, March-July 2009
Brown, Donal	DFID Deputy Director Iraq, 2008-2009
Brown, Gordon	Chancellor of the Exchequer, May 1997-June 2007 Prime Minister, June 2007-May 2010 Inquiry witness
Brown, Stephen	(Sir) Chief Executive, UK Trade and Investment, 2002-2005
Browne, Des	Chief Secretary to the Treasury, May 2005-May 2006 Defence Secretary, May 2006-October 2008 (Lord Browne of Ladyton) Inquiry witness
Browne, John	(Lord Browne of Madingley) Chairman, BP, 1998-2007
Brummell, David	Legal Secretary to the Law Officers, August 2000-November 2004 Inquiry witness
Buallay, Jassim Mohammed	Bahraini Permanent Representative to the UN, 2001-2009
Buck, John	Head of UK Communications and Information Centre, February-May 2003 CPA Interim Director Strategic Communication, May-July 2003 FCO, Director, Iraq, September 2003-July 2004 Inquiry witness

Burleigh, Peter	US Deputy Representative to the UN, August 1997-December 1999
Burnham, Andy	Chief Secretary to the Treasury, June 2007-January 2008
Burns, William	US State Department Assistant Secretary Near East, June 2001-March 2005
Burridge, Brian	(Air Marshal) UK National Contingent Commander, October 2002-May 2003 (Air Chief Marshal, Sir) Inquiry witness
Bush, George HW	41st President of the US, 1989-1993
Bush, George W	43rd President of the US, 2001-2009
Butler, Creon	FCO Chief Economist, 2004-2006
Butler, Richard	Executive Chairman of the UN Special Commission, 1997-1999
Butler, Robin	(Sir) Cabinet Secretary, 1988-1998 (Lord Butler of Brockwell) Chair, Butler Review, February-July 2004

C

Cambone, Stephen	US Under Secretary of Defense and Intelligence, 2003-2007
Cameron, Lindy	Deputy Head, DFID office, Baghdad, January-November 2004 Head, DFID office, Baghdad, 2004-November 2005 Inquiry witness
Campbell, Alastair	Mr Blair's Director of Communications and Strategy, 2000-2003 Inquiry witness
Campbell, Menzies	Liberal Democrat Foreign Affairs Spokesperson, May 1992-January 2006
Cannon, Nicholas	Mr Blair's Assistant Private Secretary for Foreign Affairs, February 2003-April 2004
Caplin, Ivor	MOD Parliamentary Under Secretary of State, June 2003-May 2005
Card, Andy	President Bush's Chief of Staff, January 2001-April 2006
Casey, George	(Lieutenant General) US Director of the Joint Staff, January-October 2003 (General) Commander, Multi-National Force – Iraq, June 2004-February 2007
Casey, Nigel	FCO Acting Director for Iraq Head, Iraq Planning Unit, 2006-2007
Cash, William	Shadow Attorney General

Casteel, Steve	US Senior Advisor to Interior Ministry, October 2003-July 2005
Catsaras, Nick	Private Secretary to the Prime Minister
Cavanagh, Matt	Special Adviser to Mr Brown, 2007-2010
Chakrabarti, Suma	DFID Permanent Secretary, February 2002-December 2007 (Sir) Inquiry witness
Chalabi, Ahmed	(Dr) Member of the Iraqi National Congress, 1992-2005 Deputy Prime Minister of Iraq, May 2005-2006
Chaplin, Edward	FCO, Director Middle East and North Africa, 2002-2004 British Ambassador to Iraq, July 2004-May 2005 Inquiry witness
Charlton, Alan	FCO, Director Personnel, 2001-2004 Deputy Head of Mission, British Embassy Washington, 2004-2007
Chatterton Dickson, Robert	FCO, Head, Iraq Security Sector Unit, 2000-October 2003
Cheadle, Richard	(Rear Admiral) Chief of Staff Naval Home Command, September 2002-December 2003 Controller of the Navy, December 2003-April 2006
Cheney, Dick	Vice President of the US, 2001-2009
Chiarelli, Peter	(General) Commander, Multi-National Corps – Iraq, August 2008-January 2012
Chikoti, Georges	Angolan Deputy Minister for Foreign Affairs, November 2010-present
Chilcott, Dominick	FCO Middle East Department, September 2002-2003 FCO, Head Iraq Planning Unit, January-June 2003 Inquiry witness
Chirac, Jacques	President of France, 1995-2007
Cholerton, Simon	(Dr) MOD, Assistant Director Secretariat (Overseas), 2001-2002 MOD, Acting Head, Iraq Secretariat, April 2004-December 2005
Clarke, Charles	Home Secretary, December 2004-May 2006 Minister without Portfolio and Party Chair, 2001-2002
Clarke, Michael	(Professor) King's College London, Founding Director, International Policy Institute, 2001-2005 Head, School of Social Science and Public Policy, 2004-2005 Director General, Royal United Services Institute, 2007-2015

Clarke, Wesley	(General) Supreme Allied Commander Europe, 1997-2000
Cleveland, Robin	Associate Director, White House Office of Management and Budget, January 2001-June 2005
Clinton, Bill	42nd President of the US, 1993-2001
Clwyd, Ann	Chair, INDICT, 1997-2003 and Vice Chair, Parliamentary Labour Party, 2001-2005 Prime Minister's Special Envoy to Iraq on Human Rights, May 2003-May 2010 Inquiry witness
Colbourne, Michael	(Acting Assistant Chief Constable) UK Chief Police Adviser, March 2007-April 2008 Inquiry witness
Collecott, Peter	FCO, Director General, Corporate Affairs, 2001-2003
Collis, Simon	British Consul General in Basra, 2004-2005 Inquiry witness
Colman, Tony	Chair, All-Party Parliamentary Group on the United Nations
Conway, Jim	(Lieutenant General) Commander, 1st Marine Expeditionary Force, 2002-2004
Cook, Robin	Foreign Secretary, May 1997-June 2001 Leader of the House of Commons, June 2001-March 2003
Cooper, Geoffrey	Senior Police Adviser in Basra, March 2008-April 2009 Inquiry witness
Cooper, John	(Major General) General Officer Commanding Multi-National Division (South-East), December 2005-July 2006 (Lieutenant General) Senior British Military Representative – Iraq, March 2008-March 2009 Inquiry witness
Cooper, Robert	Head, Overseas and Defence Secretariat, Cabinet Office, 1999-2002
Cornish, Roger	(Dr) MOD, Deputy Director, Iraq
Costello, Barry	(Rear Admiral) Coalition Maritime Component Commander
Cowlam, Shaun	(Brigadier) Commander, Joint Force Logistics Command Commander, 102 Logistics Brigade, December 2000-May 2003
Cowper-Coles, Sherard	Principal Private Secretary to the Foreign Secretary, 1999-2001 British Ambassador to Israel, 2001-2003
Cragg, Tony	Deputy Chief of Defence Intelligence, 1999-2003 Inquiry witness
Crisp, Nigel	(Sir) DoH Permanent Secretary, 2000-2006

Crocker, Ryan	US Ambassador to Iraq, March 2007-February 2009
Crompton, Neil	FCO, Head, Iraq Planning Unit FCO, Head, Iraq Policy Unit
Cross, Tim	(Major General) Office of Reconstruction and Humanitarian Assistance, 2002-2003 Inquiry witness
Crouch II, Jack Dyer	US Assistant Secretary of Defense (International Security Policy), August 2001-October 2003
Cullen, William	(Lord Cullen of Whitekirk) Chair, Review of Fatal Accident Inquiries, 2008-2009
Cunliffe, Jonathan	Treasury Managing Director Macroeconomic Policy, 2002-2007 (Sir) Inquiry witness
Cunningham, James	(Ambassador) US Deputy Representative to the UN, December 1999-July 2004
Curtis, Richard	(Sir) Assistant Deputy Coroner for Oxfordshire, 2005-2006

D

Dahlgren, Hans	Swedish Permanent Representative to the UN, 1997-2000
Dalton, Richard	(Sir) British Ambassador to Iran, 2002-2006 Inquiry witness
Dandeker, Christopher	Professor of Military Sociology, King's College London, and Co-Director of the King's Centre for Military Health Research
Dannatt, Richard	(Major General) Assistant Chief of the General Staff, 2001-2002 (Lieutenant General) Commander, Allied Rapid Reaction Corps, 2003-2004 (Lieutenant General, Sir) Commander in Chief, Land Command, March 2005-August 2006 (General, Sir) Chief of the General Staff, August 2006-August 2009 Inquiry witness
Dardagan, Hamit	Co-founder of Iraq Body Count
Darling, Alistair	Chancellor of the Exchequer, June 2007-May 2010
Davies, Gareth	Senior Prisons Adviser to CPA(South)
Davies, Patrick	Private Secretary to the Foreign Secretary, 2000-2003
Davies, Peter	Private Secretary to the Defence Secretary
Davies, Robert	Chief Police Adviser to the Iraqi Ministry of the Interior
Davis, Liz	DFID Human Resources Director

Day, Jon	Chief of the Assessments Staff, Cabinet Office, 2000-2001 MOD Director General Operational Policy, August 2007-October 2008 MOD Director General Security Policy, 2008-2009 Inquiry witness
Dayton, Keith	(Major General) US Military Commander, Iraq Survey Group
de La Sablière, Jean-Marc	French Permanent Representative to the UN, 2002-2007
de Villepin, Dominique	French Minister for Foreign Affairs, May 2002-March 2004
Dearlove, Richard	(Sir) Chief of the Secret Intelligence Service, August 1999-May 2004 Inquiry witness
Dejammet, Alain	French Permanent Representative to the UN, 1995-1999
Delves, Cedric	(Lieutenant General) Senior UK Liaison Officer at US Central Command, January-April 2002
Dempsey, Martin	(General) Commanding General, Multi-National Security Transition Command – Iraq, August 2005-August 2007
Derbez, Luis	Mexican Minister for Foreign Affairs, January 2003-November 2006
Deverell, John	(Brigadier) Deputy Commander, Iraq Survey Group
Dingemans, James	Counsel for the Hutton Inquiry
Dinham, Martin	DFID Director Europe, Middle East and the Americas, 2005-June 2007 DFID Director General International, April 2008-2010 Inquiry witness
Dodd, Tom	Overseas and Defence Secretariat, Cabinet Office, 2001-2004 Deputy British Consul General in Basra, 2004 Inquiry witness
Dodds, John	Treasury, Head, Defence, Diplomacy and Intelligence Team, October 2002-March 2006 Inquiry witness
Dodge, Toby	(Dr) Reader in International Relations at the London School of Economics and a Senior Consulting Fellow for the Middle East at the International Institute of Strategic Studies
Dowse, Tim	FCO, Head, Non-Proliferation Department, January 2001-November 2003 Director, Chief of the Assessments Staff, Cabinet Office, November 2003-2009 Inquiry witness

Drayson, Paul	(Lord) MOD Parliamentary Under Secretary of State and Minister for Defence Procurement, May 2005-March 2007 Minister of State for Defence Equipment and Support, March-June 2007 Inquiry witness
Drew, Philippa	FCO, Director, Global Issues, 2002-2006
Drummond, Jim	Assistant Head, Overseas and Defence Secretariat (Foreign Affairs), Cabinet Office, 2000-2003 DFID Director, Iraq, 2003-2004 Inquiry witness
Duclos, Michel	French Deputy Permanent Representative to the UN, 2002-2006
Duelfer, Charles	Deputy Executive Chairman of UN Special Commission, 1993-2000 Head, Iraq Survey Group, January 2004-April 2005
Duncan Smith, Iain	Leader of the Conservative Party and official Opposition, September 2001-November 2003
Dutton, James	(Brigadier) Chief of the Defence Staff's Liaison Officer to the Chairman of the US Joint Chiefs of Staff at the Pentagon, March 2002-July 2002 Commander, 3 Commando Brigade, July 2002-May 2004 (Major General) General Officer Commanding Multi-National Division (South-East), June-December 2005 Deputy Chief of Joint Operations, February 2007-October 2008 (Lieutenant General, Sir) Inquiry witness

E

Eaton, Paul	(Major General) US Head, Coalition Military Assistance Training Team
Eberly, Don	US political writer and researcher
Edelman, Eric	(Ambassador) US Under Secretary of Defense, August 2005-January 2009
Edson, Gary	US Deputy Assistant to the President for International Economic Affairs, January 2001-June 2005
Eduardo Dos Santos, José	President of Angola, September 1979-present
Ehrman, William	FCO, Director, International Security, 2000-October 2002 FCO, Director General, Defence and Intelligence, 2002-2004 Chairman, Joint Intelligence Committee, August 2004-2005 (Sir) Inquiry witness

Eikenberry, Karl	(Major General) US Leader, Iraq Security Force Assessment Team, November 2003-February 2004 US Security Co-ordinator and Chief of the Office of Military Co-operation in Afghanistan, September 2002-September 2003
Ekéus, Rolf	Executive Chairman, UN Special Commission, 1991-1997 Inquiry witness
Elaraby, Nabil	Egyptian Permanent Representative to the UN, May 1991-May 1995
ElBaradei, Mohamed	(Dr) Director General, International Atomic Energy Agency, 1997-2009
England, Gordon	US Deputy Defense Secretary, January 2006-February 2009
Erdoğan, Recep Tayyip	Chairman, Justice and Development Party, 2001-2014 Prime Minister of Turkey, March 2003-August 2014
Errera, Gérard	French Ambassador to the UK, 2002-2007
Etherington, Mark	Head, Wasit Governorate Team Head, Basra PRT, April 2006-January 2007 Inquiry witness
Everard, James	(Brigadier) Commander, 20th Armoured Brigade, 2005-2007

F

Falconer, Charles	(Lord Falconer of Thoroton) Solicitor General, May 1997-July 1998 Constitutional Affairs Secretary and Lord Chancellor, June 2003-May 2007
Fall, François Lonseny	Guinean Permanent Representative to the UN, 2000-2002 President of the Security Council, March 2003
Farish III, William S	US Ambassador to the UK, 2001-2004
Farquhar, Andrew	(Lieutenant General) British Deputy Commanding General of Operations, Multi-National Corps – Iraq, September 2004-February 2005
Faulkner, Gregory	British Ambassador to Chile, 2000-2003
Feith, Douglas	US Under Secretary of Defense for Policy, July 2001-August 2005
Félix-Paganon, Jean	UN Director in the French Foreign Ministry, 1999-2003
Ferguson, Edward	Private Secretary to the Defence Secretary, September 2007-November 2009

Fergusson, George	Assistant Head, Overseas and Defence Secretariat, Cabinet Office, 2004-2006
Fernie, Alistair	DFID, Head, Middle East and North Africa Department, July 2002-February 2005
Ferrero Waldner, Benita	EU External Affairs Commissioner, 2004-2009
Figgures, Andrew	(Major General) Senior British Military Representative – Iraq, September 2003-April 2004 (Lieutenant General) Deputy Chief of the Defence Staff (Equipment Capability), June 2006-May 2009 Inquiry witness
Fischer, Joschka	German Vice Chancellor and Minister for Foreign Affairs, October 1998-November 2005
Flaherty, Paul	PJHQ, Head of Civilian Secretariat
Flanagan, Ronnie	(Sir) Her Majesty's Chief Inspector of Constabulary, 2005-2009 Inquiry witness
Fleischer, Ari	President Bush's Press Secretary, January 2001-July 2003
Fleischhauer, Carl-August	(Dr) UN Legal Counsel, 1983-1994
Fletcher, Ian	CPA Oil Team Policy Expert
Fletcher, Tom	Private Secretary for Foreign and European Affairs, 2007-2010
Foley, Tom	CPA Director for Private Sector Development
Forber, Ian	MOD, Head, Iraq Policy Team
Fox, Liam	(Dr) Shadow Secretary of State for Defence, December 2005-May 2010
Fox, Paul	FCO, Head, Iraq Policy Unit, 2005-2006
Fox, Vicente	President of Mexico, December 2000-November 2006
Foy, Tim	Head, DFID Office, Baghdad, August 2005-August 2006 Head, Basra PRT, from January 2007 Inquiry witness
Fradley, Stephen	British Senior Prison Adviser
Franks, Tommy	(General) Commander in Chief US Central Command (CENTCOM), 2000-2003
Fraser, Simon	FCO, Director, Strategy and Innovation (Sir) FCO Permanent Under Secretary, August 2010-July 2015
Fréchette, Louise	UN Deputy Secretary-General, April 1997-April 2006
Free, Julian	(Brigadier) Commander, 4th Mechanised Brigade, and Deputy Commander Operations, April 2007-2009

French, Joe	(Air Marshal, Sir) Chief of Defence Intelligence, 2000-2003 (Air Chief Marshal) Inquiry witness
Friedman, Thomas L	<i>New York Times</i> columnist
Fry, Robert	(Major General) Deputy Chief of Joint Operations (Operations), May 2002-2003 (Lieutenant General) Deputy Chief of the Defence Staff (Commitments), July 2003-March 2006 Senior British Military Representative – Iraq, March 2006-September 2006 (Lieutenant General, Sir) Inquiry witness
Fulton, Robert	(Lieutenant General, Sir) Deputy Chief of the Defence Staff (Equipment Capability), June 2003-June 2006 Inquiry witness

G

Gantley, Guy	FCO Middle East/North Africa Economic Adviser
Gardiner, Nicholas	Coroner for Oxfordshire, August 1981-April 2012
Garner, Jay	(Lieutenant General) US Head, Office of Reconstruction and Humanitarian Assistance, April-May 2003
Gasper Martins, Ismael	Angolan Permanent Representative to the UN, May 2001-present
Gass, Simon	FCO, Director, Resources, 2001-2004
Gates, Robert	(Dr) US Defense Secretary, December 2006-July 2007
Gatilov, Gennadi	Russian Deputy Permanent Representative to the UN, 1999-2004
Gell, David	(Major) British Army Spokesman
George, Bruce	Chairman, House of Commons Defence Committee, May 1979-July 2005
Ghadban, Thami	Iraqi Minister of Oil, April-September 2003 and June 2004-May 2005
Gibson, Ian	PJHQ, Deputy Command Secretary
Gibson, Robert	(Dr) Deputy Head of Mission, British Embassy Baghdad
Gieve, John	(Sir) Home Office Permanent Secretary, 2001-2005
Gilchrist, Peter	(Major General) Master General of the Ordnance, 2000-2004
Gillespie, Michael	Head, Public Order and Police Co-operation Unit
Gilligan, Andrew	<i>BBC</i> journalist
Gnehm, Edward	US Deputy Permanent Representative to the UN, 1994-1997

Goldsmith, Peter	(Lord) Attorney General, June 2001-June 2007 Inquiry witness
Gomersall, Stephen	UK Ambassador and Deputy Permanent Representative to the UN, 1994-1998
Gonzales, Alberto	Counsel to President Bush, January 2001-February 2005
Gooderham, Peter	Political Counsellor, British Embassy Washington, 1999-2003
Gordon, Nick	(Air Commodore) MOD, Director of Equipment Capability, ISTAR, September 2006-July 2009
Goult, Alan	FCO, Director Middle East and North Africa, 2000-2002
Gourdault-Montagne, Maurice	President Chirac's Diplomatic Adviser, 2002-2007 French Ambassador to the UK, 2007-2011
Grainger, John	FCO, Legal Counsellor, Middle East Department, 2001-2003
Grannatt, Mike	Cabinet Office, Head, Government Information and Communication Service, 1998-2001
Granville-Chapman, Timothy	(General, Sir) Commander in Chief Land Command, 2003-2005 Vice Chief of the Defence Staff, 2005-2009
Gray, Charles	FCO, Head, Middle East Department, 2002-2004
Green, Jenny	Chair, War Widows Association
Greenall, Gilbert	(Dr) DFID-funded consultant in Iraq
Greenstock, Jeremy	(Sir) UK Permanent Representative to the UN, 1998-July 2003 Prime Minister's Special Representative on Iraq, September 2003-March 2004 Inquiry witness
Greenwood, Christopher	Professor of International Law, London School of Economics
Grossman, Marc	US Under Secretary of State for Political Affairs, March 2001-February 2005
Gül, Abdullah	Prime Minister of Turkey, November 2002-March 2003
Guthrie, Charles	(General, Sir) Chief of the Defence Staff, 1997-2001
H	
Haass, Richard	US State Department Director of Policy Planning, February 2001-June 2003
Habib, Hussein	(Major General) Commander of Iraqi Army 10th Division
Haddon-Cave, Charles	Author of the Nimrod Review in 2009

Hadley, Stephen	US Deputy National Security Advisor, 2001-2005 US National Security Advisor, 2005-2009
Hafez, Mehdi	Iraqi Minister of Planning and Development Co-ordination
Hague, William	Foreign Secretary, May 2010-July 2014
Hamadi, Ali	(Major General) President of the Basra Security Committee
Hamadi, Mohammed	(Brigadier) Provincial Director of Police
Hamdoon, Nizar	Iraqi Permanent Representative to the UN, 1992-1998
Hamill, Paul	No.10 Communications and Information Centre
Hamilton, Lee	US Co-Chairman, Iraq Study Group
Hamilton-Eddy, Jane	Deputy Head of the Assessments Staff, Cabinet Office, July 2004
Hammoudi, Hummam	(Sheikh) Chair, Constitutional Committee
Hamoud, Mohammed	Iraqi Deputy Foreign Minister
Harman, Harriet	Solicitor General, June 2001-May 2005 DCA, Minister of State, May 2005-May 2007
Harradence, Fergus	Head, UK Trade and Industry, Gulf Unit
Harvey, Paul	Head, Kirkuk Governorate Team
Hashemi, Tariq	Iraqi Vice President, April 2006-September 2012
Haslert, Dennis	Speaker of the US House of Representatives, January 1999-January 2007
Hasmy Agan, Tan Sri	Malaysian Permanent Representative to the UN, 1998-2003
Hatfield, Richard	MOD Personnel Director
Hattab, Karim Mahmood	(Prince) Brother of the Governor of Maysan province
Hawley, Alan	(Brigadier) Commander, Medical, Joint Force Logistic Command
Hawramy, Ashtree	(Dr) Minister of Natural Resources, Kurdish Regional Government
Hayes, Peter	Principal Private Secretary to the Foreign Secretary, 2005-2007
Haynes, William	US Department of Defense General Counsel, 2001-2008
Haysom, Nicholas	Head, UN Office of Constitutional Support, 2005-2007
Haywood, Nigel	British Consul General in Basra, April 2008-2009 Inquiry witness
Heath, Mike	(Air Commodore) Director, Directorate Targeting and Information Operations, 2002-2003 (Air Vice Marshal) Senior British Military Adviser to US Central Command, 2003-2005

Heatly, Charles	No.10 Press Officer Adviser to Prime Minister Allawi
Hemmings, Martin	MOD Legal Adviser, 1998-2009
Henderson, Bill	Director, Trade Partners UK, International Group 1
Hendrie, Barbara	DFID Deputy Director Iraq
Hetherington, Mark	FCO Research Analyst
Hewitt, Patricia	Trade and Industry Secretary, June 2001-May 2005
Heywood, Jeremy	Principal Private Secretary to the Prime Minister, June 1999-July 2003 and January 2008-May 2010 (Sir) Cabinet Secretary, January 2012 to present
Hill, Christopher	US Ambassador to Iraq, 2009-2010
Hill, David	Mr Blair's Director of Communications and Strategy, August 2003
Hirst, Neil	DTI Head of Energy Markets Unit
Hogger, Henry	Head, Basra Governorate Team
Holmes, John	(Sir) British Ambassador to France, 2001-2006 Inquiry witness
Hood, Gavin	Legal Adviser, British Embassy Baghdad
Hoon, Geoff	Defence Secretary, October 1999-May 2005 Inquiry witness
Horne, Nick	UK consultant working in the CPA
Houghton, Nicholas	(Major General) Assistant Chief of the Defence Staff (Operations), May 2004-October 2005 (Lieutenant General) Senior British Military Representative – Iraq, October 2005-March 2006 Chief of Joint Operations, 2006-2009 (General, Sir) Inquiry witness
Howard, John	Prime Minister of Australia, 1996-2007
Howard, Martin	MOD, Director, Corporate Communications, July 2001-2003 Deputy Chief of Defence Intelligence, February 2003-May 2004 MOD, Director General, Operational Policy, May 2004-August 2007 Inquiry witness
Howard, Michael	Leader of the Conservative Party and official Opposition, 2003-2005
Howell, David	(Lord Howell of Guildford) Shadow Minister Foreign and Commonwealth Affairs, July 2000-May 2009
Howells, Kim	(Dr) FCO Minister for the Middle East, May 2005-October 2008

Hum, Christopher	(Sir) British Ambassador to China, 2002-2006
Humble, Joan	Chair, Party Group on Army Deaths
Hurd, Douglas	Foreign Secretary, 1989-1995
Hurley, Kevin	(Assistant Chief Constable) Chief Police Adviser in Basra, June-December 2004 Inquiry witness
Hussein, Ahmed	Iraqi Minister for Foreign Affairs, 1991-1993
Hussein, Qusay	Son of Saddam Hussein
Hussein, Saddam	President of Iraq, July 1979-April 2003
Hussein, Uday	Son of Saddam Hussein
Hutton, John	Defence Secretary, October 2008-June 2009 Inquiry witness
Hutton, Roger	(Dr) MOD, Director, Joint Commitments Policy 2003-2006

I

Ingram, Adam	Minister for the Armed Forces, June 2001-June 2007 Inquiry witness
Innes, Stuart	British Consul General in Basra, 2005
Irvine, Derry	(Lord Irvine of Lairg) Lord Chancellor, May 1997-June 2003
Irwin, Alistair	(Lieutenant General) Adjutant General, 2003-2005 Inquiry witness
Ivanov, Igor	Russian Foreign Minister, 1998-2004
Ivanov, Sergei	Russian Defence Minister, March 2001-February 2007

J

Jabar, Faleh	(Dr) Research Fellow, Birkbeck College, London
Jabr, Bayan	Iraqi Minister of Interior, 2005-2006 Iraqi Finance Minister, 2006-2010
Jack, Stuart	FCO, Head, Iraq Operations Unit, 2003-2004 FCO Director Iraq
Jackson, Mike	(General, Sir) Commander in Chief Land Command, 2000-2003 Chief of the General Staff, February 2003-August 2006 Inquiry witness
Jacoby, Lowell E	(Vice Admiral) Director, US Defense Intelligence Agency, July 2002-November 2005
Jagne, Marmour A	Gambian Permanent Representative to the UN, July 2008-January 2014

Jalil Khalaff, Abdul	(Major General) Basra Chief of Police, 2007
Jay, Michael	(Sir) FCO Permanent Under Secretary, 2002-2006 (Lord Jay of Ewelme) Inquiry witness
Jeffrey, Bill	(Sir) MOD Permanent Under Secretary, September 2005-2010 Inquiry witness
Jenkin, Bernard	Shadow Secretary of State for Defence, September 2001-November 2003
Jenkins, Ian	(Vice Admiral) Surgeon General, 2002-2006
Jenkins, John	(Dr) FCO, Director Middle East and North Africa, 2007-2009 Inquiry witness
Jenness, Craig	International Commissioner, Independent Electoral Commission, Iraq, 2005
Joffe, George	(Professor) Department of Politics and International Studies, Cambridge University
Johnson, Alan	Health Secretary, June 2007-June 2009
Johnson, David	MOD, Head, Iraq Secretariat, September 2002-July 2004
Johnson, David	Deputy Chief of Mission, US Embassy in London 2003-2007
Johnson, Neil	(Professor) Department of Physics, Oxford University
Johnston, Paul	FCO, Head, Security Policy Department, 2002-2004
Jones, Brian	(Dr) DIS, Branch Head, Nuclear, Biological and Chemical Section in the Scientific and Technical Directorate, 1987-January 2003
Jones, Elizabeth	US Assistant Secretary for European and Eurasian Affairs, 2001-2005
Jones, Richard	British Consul General in Basra, 2007-2008 Inquiry witness
Jones Parry, Emyr	(Sir) UK Permanent Representative to the UN, 2003-2007
Jowell, Tessa	Culture, Media and Sport Secretary, June 2001-June 2007

K

Kadhum, Fadel Jamal	(Dr) Legal Adviser to Prime Minister Allawi, June 2004-August 2013
Kamil, Hussein	(Lieutenant General) Saddam Hussein's son-in-law, former Minister of Industry and Head of Iraq's Military Industrial Commission
Kane, Angela	Assistant UN Secretary-General for Political Affairs, 1999-2003

Karzai, Hamid	President of Afghanistan, December 2004-September 2014
Kay, David	(Dr) Leader of the International Atomic Energy Agency inspection team, September 1991 Chief Weapons Inspector, International Atomic Energy Agency, 1991-1992 Head, Iraq Survey Group, 2003-January 2004
Keane, Jack	(General) Vice Chief of the US Army, 1999-2003
Keeble, Sally	DFID Parliamentary Under Secretary of State, May 2002-June 2003 Inquiry witness
Kellenberger, Jakob	President of the International Committee of the Red Cross, 2000-2011
Kelly, David	(Dr) MOD Special Adviser, Counter Proliferation Arms Control
Kelly, Ruth	Communities and Local Government Secretary, May 2006-June 2007
Kelly, Tom	Official Spokesman for the Prime Minister, 2001-2007
Kennedy, Charles	Leader of the Liberal Democrats, August 1999-January 2006
Kennedy, Jane	Minister of State, Northern Ireland Office, 2001-2004
Kerik, Bernard	CPA Senior Adviser to the Ministry of Interior, 2003
Kernaghan, Paul	(Chief Constable) Lead on International Affairs for the Association of Chief Police Officers and Chief Constable of Hampshire, 2001-2008 Inquiry witness
Kerr, John	(Sir) FCO Permanent Under Secretary, 1997-2002
Khalilzad, Zalmay	National Security Council Senior Director and Ambassador at Large to the Iraqi Opposition US Ambassador at Large for Free Iraqis, 2003 US Ambassador to Afghanistan, November 2003-June 2005 US Ambassador to Iraq, June 2005-April 2007
Khamenei, Ali	Supreme Leader of Iran since 1999
Khan, Abdul Qadeer	Pakistani nuclear physicist
Khatami, Mohammad	President of Iran, August 1997-August 2005
Kilpatrick, Andrew	Treasury, Head, Country Economics and Policy Team, 2004
Ki-moon, Ban	UN Secretary-General, from January 2007
Kirkup, Bill	(Dr) DoH Regional Director of Public Health and lead on health in Iraq
Kissinger, Henry	(Dr) US Secretary of State, September 1973-January 1977

Kiszely, John	(Lieutenant General) Senior British Military Representative – Iraq, October 2004-April 2005 (Lieutenant General, Sir) Inquiry witness
Korski, Daniel	Senior Policy Fellow, European Council of Foreign Relations, 2008
Kunder, James	Acting Deputy Administrator, USAID, 2002-2004
L	
Lake, Tony	US National Security Advisor, January 1993-March 1997
Lamb, Graeme	(Major General) General Officer Commanding Multi-National Division (South-East), July-December 2003 (Lieutenant General) Senior British Military Representative – Iraq, September 2006-July 2007 (Lieutenant General, Sir) Inquiry witness
Lamb, Patrick	FCO official, Non-Proliferation Department
Lamb, Robin	British Consul General in Basra, 2006
Lander, Stephen	(Sir) Director General MI5, 1996-2002
Landsman, David	FCO, Head, Counter-Proliferation Department, 2003-2009
Latif, Mohammed	(General) Commander, Fallujah Brigade, April 2004
Laurence, Tim	(Rear Admiral) Assistant Chief of Defence Staff (Resources and Plans), July 2004-March 2007
Laurie, Michael	(Major General) MOD, Director General Intelligence Collection, 2002-2003 Inquiry witness
Lavrov, Sergei	Russian Permanent Representative to the UN, September 1994-July 2004
Lee, Ian	MOD Director General Operational Policy, September 2002-May 2004 MOD Director General Media and Communications, 2004-2005 Inquiry witness
Leeming, Jennifer	Coroner for Greater Manchester (West), 2001-present
Leeson, Kevin	(Air Vice-Marshal) Assistant Chief of the Defence Staff (Logistics Operations), 2004-2007
Lester, Guy	MOD, Director Defence Resources and Plans
Lever, Paul	(Sir) British Ambassador to Germany, 1997-2003
Levitte, Jean-David	French Permanent Representative to the UN, 2000-2002 French Ambassador to the US, 2002-2007 President Sarkozy's Diplomatic Adviser, 2007-2012

Libby, Scooter	Vice President Cheney's Chief of Staff, 2001-2005
Lieberman, Joe	(Senator) Chair, Senate Homeland Security Committee, June 2001-January 2003
Likierman, Andrew	(Sir) Government's Chief Accounting Adviser
Lillywhite, Louis	(Lieutenant General) Surgeon General, 2006-2009 Inquiry witness
Link, Joan	FCO, Head, Conflict Issues Group
Llewellyn, Huw	FCO Legal Counsellor, 2003-August 2006
Lloyd, Liz	Mr Blair's adviser on Foreign Policy from 1997
Llwyd, Elfyn	Plaid Cymru shadow spokesperson for Defence and Foreign Affairs, June 2010-March 2015
Loader, Clive	(Air Chief Marshal) Assistant Chief of the Defence Staff (Operations), 2002-2004
Lowcock, Mark	DFID Director Finance and Corporate Performance, 2001-2003 DFID Director General Corporate Performance and Knowledge Sharing, 2003-2006 DFID Director General Policy and Programmes, 2006-2008 DFID Permanent Secretary, from June 2011 Inquiry witness
Lowson, Robert	DEFRA Director, Environmental Protection Strategy
Lucas, Helder	Angolan Deputy Permanent Representative to the UN
Luck, Gary	(General) sent to Iraq in 2005 to consider operational issues and report back to the Pentagon
Lugar, Richard	(Senator) Chair, Senate Committee on Foreign Relations, 2003-2006
Lusty, Gregor	DTI, Head, Iraq Unit
Lute, Doug	(General) President Bush's Advisor on Iraq, from May 2007
Lyall Grant, Mark	FCO, Director General Political, 2007-2009 (Sir) Inquiry witness
Lynch, Selena	Assistant Deputy Coroner for Oxfordshire, 2005-2014
M	
MacAskill, Kenny	Cabinet Secretary for Justice, Scottish Executive, 2007-2014
McCauley, Lee	MOD Assistant Director, Defence Resources and Plans
McChrystal, Stanley	(General) Commander International Security Assistance Force, and Commander US Forces Afghanistan, June 2009-June 2010

McClement, Timothy	(Rear Admiral) Assistant Chief of the Naval Staff, 2001-2003
McColl, John	(Lieutenant General) Senior British Military Representative – Iraq, April-October 2004 (General Sir) Inquiry witness
McDonald, Simon	Principal Private Secretary to the Foreign Secretary, 2001-2003 FCO, Director, Iraq, July 2006-2007 Mr Brown's Foreign Policy Adviser and Head of the Cabinet Office Foreign and Defence Policy Secretariat, June 2007-2010 Inquiry witness
McFadden, Pat	Mr Blair's Deputy Chief of Staff, 2002
McInnes, Nick	Director, UK Trade and Investment, International Group
MacKay, Andrew	(Brigadier) Commander of CPATT
McKane, Tom	Principal Private Secretary to the Defence Secretary, 1997-1999 Deputy Head, Overseas and Defence Secretariat, Cabinet Office, 1999-September 2002 MOD Director General Resources and Plans Inquiry witness
McKiernan, David	(Lieutenant General) US Commander, Coalition Forces Land Component Command
MacKiggan, Keith	Head, Basra PRT Inquiry witness
McLaughlin, John	Deputy Director, Central Intelligence Agency, 2000-2004 Acting Director, Central Intelligence Agency, July 2004-September 2004
Macleod, Iain	Legal Counsellor, UK Permanent Mission to the UN in New York FCO Legal Counsellor Inquiry witness
McLoughlin, Elizabeth	MOD, Director General Service Personnel Policy
McMenamin, Joseph	(Brigadier General) Head, Iraq Survey Group
Macnaughton, Joan	DTI Director General, Energy, 2002-2005
Macpherson, Nicholas	Director General, Public Expenditure, 2001-2005 Treasury Permanent Secretary, 2005-2016 (Sir) Inquiry witness
MacShane, Denis	FCO Minister for Europe, April 2002-May 2005 Inquiry witness
Mahmoud, Abed Hamid	Secretary to Saddam Hussein

Mahugu, Njuguna	Kenyan Permanent Representative to the UN
Malik, Moazzam	DFID, Head, Iraq Humanitarian Response and Co-ordination Team
Mandelson, Peter	(Lord) Business, Innovation and Skills Secretary
Mann, Bruce	MOD Director General Financial Management, May 2001-February 2004 Inquiry witness
Manning, David	(Sir) Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat, 2001-2003 British Ambassador to the US, 2003-2007 Inquiry witness
Manningham-Buller, Eliza	Deputy Director General of the Security Service, to 2002 Director General of the Security Service, October 2002-April 2007 (Baroness) Inquiry witness
Mans, Mark	(Major General) Deputy Commanding General, Multi-National Force – Iraq, February-August 2005 (Lieutenant General) Deputy Adjutant General, 2005-2008 Inquiry witness
Mansoor, Peter	(Colonel) Executive Officer to General Petraeus
Marsden, Rosalind	(Dr) British Consul General in Basra, 2006-2007
Marshall-Andrews, Robert	Member of Parliament and Member of the Hutton Inquiry Committee
Mashhadani, Mahmoud	Speaker, Iraqi Council of Representatives, March 2006-December 2008
Masters, David	Coroner for Wiltshire and Swindon, 1993
Mates, Michael	Chair of the House of Commons Defence Select Committee, 1987-1992 Member of the House of Commons Liaison Committee, May 2004-April 2005
Mayall, Simon Vincent	(Major General) Deputy Commanding General, Multi-National Corps – Iraq
Mazen, Abu	Palestinian Prime Minister, March 2003-September 2003
Mbeki, Thabo	President of South Africa, June 1999-September 2008
Mehdi, Adel Abdul	Iraqi Vice President, April 2005-July 2011
Metcalfe, Julian	FCO, Head, Estate Strategy Unit
Metz, Thomas	(Lieutenant General) Commander, Multi-National Corps – Iraq

Meyer, Christopher	(Sir) British Ambassador to the US, 1997-February 2003 Inquiry witness
Miles, Oliver	British Ambassador to Libya, 1984 British Ambassador to Greece, 1993-1996
Miliband, David	Foreign Secretary, June 2007-May 2010 Inquiry witness
Miller, Carolyn	DFID Director Middle East and North Africa, 2001-2004 Inquiry witness
Miller, Frank	US National Security Council Senior Director for Defense Policy and Arms Control, January 2001-March 2005
Miller, Julian	Principal Private Secretary to the Defence Secretary, September 1999-September 2001 Chief of the Assessments Staff, Cabinet Office, September 2001-November 2003 Inquiry witness
Millett, Peter	FCO, Head, Security Strategy Unit
Milošević, Slobodan	President of the Federal Republic of Yugoslavia July 1997-October 2000
Miscik, Jami	Deputy Director of Intelligence, Central Intelligence Agency, 2002-2005
Mohammed, Jowad Hamedi	(General) Head, Basra Operations Command
Mohan	(General) Head, Basra Operations Command
Møller, Per Stig	Danish Foreign Minister, 2001-2010
Monteiro, Antonio	Portuguese Permanent Representative to the UN
Moonie, Lewis	(Dr) MOD Parliamentary Under Secretary of State Minister for Veterans' Affairs
Moore, Michael	Deputy Leader of the Scottish Liberal Democrats
Moore, William	(Brigadier) MOD Director, Equipment Capability (Ground Manoeuvre)
Morgan, Sally	(Baroness Morgan of Huyton) Director of Political and Government Relations to the Prime Minister, November 2001-2005 Inquiry witness
Moseley, Buzz	(Lieutenant General) US Air Component Commander
Mountain, Ross	UN Secretary-General's Acting Special Representative for Iraq, 2003
Moussa, Amre	Secretary General of the Arab League, June 2001-June 2011
Mubarak, Hosni	President of Egypt, October 1981-February 2011
Mukhlis, Hatim	Head, Iraqi National Movement

Mulgan, Geoff	Head of Policy in the Prime Minister's Office
Mullin, Chris	Chairman, Home Affairs Select Committee, 2001-2003
Murdoch, James	Director/CEO, BSkyB
Murdoch, Rupert	Chairman and CEO, News Corporation
Murphy-O'Connor, Cormac	(Cardinal) Archbishop of Westminster
Musharraf, Pervez	President of Pakistan, 2001-2008
Mutashar, Mohammed	Friend of the Mayor of Sadr City
Myers, Richard	(General) Vice-Chairman of the US Joint Chiefs of Staff, February 2000-October 2001 Chairman of the US Joint Chiefs of Staff, October 2001-September 2005

N

Nash, David	(Rear Admiral) CPA Director Iraq Program Management Office US State Department, Director Iraq Reconstruction Management Office
Natsios, Andrew	Administrator USAID
Naworynsky, Mike	(Wing Commander) Private Secretary to the Defence Secretary, 2002-2004
Negroponte, John	US Permanent Representative to the UN, 2001-2004 US Ambassador to Iraq, June 2004-2005 US National Director of Intelligence, April 2005-February 2007 US Deputy Secretary of State, February 2007-January 2009
Nixon, Patrick	British Ambassador in Abu Dhabi, 1998-2003 Head, CPA(South)
Noble, Andrew	FCO, Director, Security
Nye, William	Treasury, Head, Defence, Diplomacy and Intelligence Team

O

Oakden, Edward	FCO, Head, Security Policy Department FCO, Director, International Security
O'Brien, Mike	FCO Parliamentary Under Secretary of State, May 2002-June 2003
Ochmanek, David	Senior Defence Analyst, RAND Institute
Odierno, Raymond	(General) Commanding General III Corps and Commander Multi-National Corps – Iraq, December 2006-February 2008

O'Donnell, Gus	(Sir) Cabinet Secretary, 2005-2011 Inquiry witness
O'Donoghue, Kevin	(Lieutenant General) Deputy Chief of the Defence Staff (Health), 2002-2004 (General Sir) Chief of Defence Logistics, 2005-2007 Chief of Defence Materiel, 2007-2010 Inquiry witness
Olsen, Ole	Head, Office of Reconstruction and Humanitarian Affairs (South)/CPA(South), May 2003-July 2003
Omand, David	(Sir) Cabinet Office Permanent Secretary and Security and Intelligence Co-ordinator, September 2002-April 2005 Inquiry witness
Orde, Hugh	(Sir) Chief Constable, Police Service of Northern Ireland, 2002-2009
O'Sullivan, Meghan	(Dr) US Deputy National Security Advisor for Iraq and Afghanistan, July 2004-September 2007
Owada, Hisashi	Japanese Permanent Representative to the UN
Owen, Kara	Private Secretary to the Foreign Secretary
Owen, Sue	DFID Director General, Corporate Performance, 2006-2009
Özkök, Hilmi	(General) Chief of the General Staff of the Turkish Armed Forces

P

Pahad, Aziz	South African Deputy Foreign Minister, 1994-2008
Palacio, Ana	Spanish Minister for Foreign Affairs, July 2002-April 2004
Palmer, Anthony	(Lieutenant General) Deputy Chief of the Defence Staff (Personnel), 2002-2005 Inquiry witness
Parham, Philip	Head, FCO Iraq Operations Unit
Patey, William	FCO, Head, Middle East Department, 1999-March 2002 British Ambassador to Iraq, June 2005-July 2006 (Sir) Inquiry witness
Pattison, Stephen	FCO, Head, United Nations Department, 2000-2003 FCO, Director, International Security Inquiry witness
Pawson, Tony	Deputy Chief of Defence Intelligence, September 2004-2007 MOD Director General Corporate Communications, 2003-September 2004

Paxman, Giles	Deputy Head of Mission at the British Embassy Paris
Peach, Stuart	(Air Marshal) Chief of Defence Intelligence, 2006-2009 (Air Marshal Sir) Chief of Joint Operations, 2009-2011
Pepper, David	(Sir) Director, Government Communications Headquarters, April 2003-July 2008 Inquiry witness
Perelli, Carina	Head, UN Electoral Affairs Division
Pérez de Cuellar, Javier	UN Secretary-General, January 1982-December 1991
Perle, Richard	Chairman, US Defense Advisory Board
Perricos, Dimitri	(Dr) Director of Planning and Operations, United Nations Monitoring, Verification and Inspection Commission
Persson, Göran	Prime Minister of Sweden, March 1996-October 2006
Petraeus, David	(Lieutenant General) Head, Multi-National Security Transitional Command – Iraq, 2004-2005 (General) Commanding General, Multi-National Force – Iraq 2007-2008
Phillipson, Antony	Counsellor (Trade and Transport), British Embassy Washington, 2002-2004 Mr Blair's Private Secretary for Foreign Affairs, 2004-2007
Pickford, Stephen	Treasury, Managing Director, International and Finance, 2007-2010 Inquiry witness
Pigott, Anthony	(Lieutenant General, Sir) Deputy Chief of the Defence Staff (Commitments), March 2000-July 2003 Inquiry witness
Pitt-Brooke, John	MOD Director General Civilian Personnel
Pledger, Malcolm	(Air Chief Marshal, Sir) Chief of Defence Logistics
Pleuger, Gunter	German Permanent Representative to the UN, 2002-2006
Plumbly, Derek	(Sir) British Ambassador to Saudi Arabia, 2000-2003
Pocock, David	(Air Marshal) Deputy Chief of the Defence Staff (Personnel), 2005-2007 Inquiry witness
Pollard, Stephen	MOD, Head, Overseas Secretariat
Pollin, Barry	(Chief Inspector) Senior Police Adviser in Multi-National Division (South-East)
Poortman, Chrik	Vice-President for the Middle East, World Bank, 2003-2006
Powell, Colin	US Secretary of State, January 2001-2004
Powell, Jonathan	Mr Blair's Chief of Staff, May 1997-June 2007 Inquiry witness

Prentice, Bridget	MOJ, Parliamentary Under Secretary of State, May 2007-May 2010
Prentice, Christopher	British Ambassador to Iraq, 2007-2009 Inquiry witness
Prescott, John	Deputy Leader of the Labour Party and Deputy Prime Minister, July 1994-June 2007 (Lord) Inquiry witness
Preston-Jones, Noel	(Commodore) MOD Director Service Personnel Policy
Primakov, Yevgeny	Russian Foreign Minister, January 1996-September 1998 Prime Minister of Russia, September 1998-May 1999
Prince, Eric	CEO, Blackwater
Prodi, Romano	President of the European Commission
Pruce, Daniel	No.10 Press Officer
Putin, Vladimir	President of Russia, May 2000-May 2008
Q	
Qadir, Abdel	(Lieutenant General) Iraqi Minister of Defence
Qazi, Ashraf Jehangir	UN Special Representative for Iraq, 2004-2007
Qin, Huasun	Chinese Permanent Representative and Ambassador to the UN
Quarrey, David	Private Secretary to the Prime Minister, 2004-2006
Quinault, James	Treasury, Head, Defence, Diplomacy and Intelligence Team
Quinlan, Michael	MOD Permanent Under Secretary, 1988-1992
R	
Raffarin, Jean-Pierre	Prime Minister of France, May 2002-May 2005
Ralston, Joseph W	(General) US Commander, European Command
Ramadan, Taha	Vice President of Iraq, March 1991-April 2003
Rammell, Bill	FCO Parliamentary Under Secretary of State, October 2008-June 2009
Rana, Kipkorir Aly Azad	Kenyan Deputy Permanent Representative to the UN, 1997
Read, Phillip	Acting Chief Constable Inquiry witness
Reid, John	(Dr) Minister without Portfolio and Labour Party Chair, October 2002-April 2003 Leader of the House of Commons, April-June 2003 Defence Secretary, May 2005-May 2006 Inquiry witness

Reid, Kathleen	Head, DFID Office, Basra, August 2007-September 2008 Inquiry witness
Reith, John	(Lieutenant General) Chief of Joint Operations, August 2001-July 2004 (General, Sir) Inquiry witness
Rice, Condoleezza	(Dr) US National Security Advisor, 2001-2005 US Secretary of State, January 2005-January 2009
Richards, David	(Major General) Assistant Chief of the General Staff, 2002-2005
Richards, Francis	(Sir) Director, Government Communications Headquarters, 1998-2003
Richardson, Bill	US Permanent Representative to the UN, 2001-2004
Richmond, David	Prime Minister's Interim Special Representative on Iraq, 2003 Prime Minister's Deputy Special Representative on Iraq, 2003-2004 Prime Minister's Special Representative on Iraq, March 2004-June 2004 (Sir) FCO, Director General, Defence and Intelligence, 2004-2007 Inquiry witness
Ricketts, Peter	Chairman, Joint Intelligence Committee, September 2000-September 2001 FCO Political Director, 2001-2003 (Sir) UK Permanent Representative to NATO, 2003-2006 FCO Permanent Under Secretary, 2006-2010 Inquiry witness
Ridgway, Andrew	(Lieutenant General) Chief of Defence Intelligence, 2003-2006
Riley, Jonathon	(Major General) General Officer Commanding Multi- National Division (South-East), December 2004-June 2005 (Lieutenant General) Deputy Head, CMATT, May-December 2003 Inquiry witness
Robertson, George	Defence Secretary, 1997-1999 (Lord) Secretary General, NATO, 1999-2004
Robison, Garry	(Brigadier) Deputy Commander, Iraq Survey Group

Rollo, William	(Brigadier) Member of Deputy Chief of Joint Operations (Operations) (Major General) General Officer Commanding Multi-National Division (South-East), July-December 2004 Assistant Chief of the General Staff, 2005-2007 (Lieutenant General) Senior British Military Representative – Iraq, July 2007-March 2009 Inquiry witness
Roper, Paul	(Dr) Director of Strategic Technology Director of Science and Technology, Defence Intelligence Staff, from July 2002 Inquiry witness
Rose, John	(Brigadier) Chief of the Defence Staff's Liaison Officer (Major General) MOD Director General Intelligence Collection
Rose, Vivien	MOD, Head, General and International Law Team
Ross, Carne	First Secretary, UK Permanent Mission to the UN in New York, December 1997-June 2002 Inquiry witness
Rove, Karl	President Bush's chief political strategist, January 2001-August 2007 White House Deputy Chief of Staff, February 2005-August 2007
Rumsfeld, Donald	US Secretary of Defense, 2001-2006
Rycroft, Matthew	Mr Blair's Private Secretary for Foreign Affairs, 2002-2005 Inquiry witness

S

Sabri, Naji	Iraqi Minister for Foreign Affairs, 2001-2003
Salih, Barham	(Dr) Deputy Prime Minister of Iraq, 2004-2009
Salmon, Andrew	(Major General) General Officer Commanding Multi-National Division (South-East), August 2008-March 2009 Inquiry witness
Sanchez, Ricardo	(Lieutenant General) US Commander, Combined Joint Task Force-7
Satterfield, David	US Deputy Chief of Mission, 2005-2006 (Ambassador) US State Department Co-ordinator for Iraq, 2006-2009

Sawers, John	Mr Blair's Foreign Secretary for Foreign Affairs, January 1999-September 2001 British Ambassador to Egypt, 2001-2003 Prime Minister's Special Representative on Iraq, 2003 FCO, Director General, Political, 2003-2007 (Sir) UK Permanent Representative to the UN, August 2007-November 2009 (Sir) Inquiry witness
Scarlett, John	Chairman, Joint Intelligence Committee, September 2001-July 2004 (Sir) Chief of the Secret Intelligence Service, 2004-2009 Inquiry witness
Schröder, Gerhard	German Chancellor, 1998-2005
Schulte, Paul	Head, Post Conflict Reconstruction Unit, September 2004-December 2005 MOD Director, Proliferation and Arms Control Secretariat
Scotland, Patricia	(Baroness Scotland of Sathal) Attorney General, 2007-2010
Scott, Richard	(Lord Scott of Foscote) Chair, Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions
Scowcroft, Brent	(General) National Security Advisor to President George HW Bush, January 1989-January 1993
Sedwill, Mark	Private Secretary to the Foreign Secretary, 2000-2002
Segar, Chris	Head, British Office Baghdad
Shafik, Nemat	(Dr) DFID Director General Programmes, October 2004-March 2008 DFID Permanent Secretary, March 2008-June 2011 Inquiry witness
Shaw, Jonathan	(Major General) General Officer Commanding Multi-National Division (South-East), January 2007-August 2007 Inquiry witness
Shaways, Rowsch	(Dr) Vice President of Iraq, 2004-2005 Deputy Prime Minister of Iraq, 2006 and 2009-2014
Sheinwald, Nigel	(Sir) UK Permanent Representative to the EU, 2000-2003 Prime Minister's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat, 2003-2007 British Ambassador to the US, 2007-2012 Inquiry witness

Shirreff, Richard	(Major General) Chief of Staff, Land Command General Officer Commanding Multi-National Division (South-East), July 2006-January 2007 (Lieutenant General, Sir) Inquiry witness
Shlash, Muhsin	Minister for Electricity, Iraqi Transitional Government
Short, Clare	International Development Secretary, May 1997-May 2003 Inquiry witness
Siddiq, Irfan	Private Secretary to the Foreign Secretary
Sittar, Sheikh	Leader of the Anbar Awakening
SIS1	SIS officer below the rank of Chief Inquiry witness
SIS2	SIS officer below the rank of Chief Inquiry witness
SIS3	SIS officer below the rank of Chief Inquiry witness
SIS4	SIS officer below the rank of Chief Inquiry witness
SIS5	SIS officer below the rank of Chief Inquiry witness
SIS6	SIS officer below the rank of Chief Inquiry witness
SIS9	SIS officer below the rank of Chief Inquiry witness
SIS10	SIS officer below the rank of Chief Inquiry witness
Sky, Emma	CPA, Governorate Co-ordinator, Kirkuk, 2003-2004 Inquiry witness
Slocombe, Walt	CPA, Senior Advisor on National Security and Defense, 2003
Smith, Andrew	Chief Secretary to the Treasury, 1999-2002
Smith, Colin	UK Chief Police Adviser in Iraq Inquiry witness
Smith, Godric	Prime Minister's Official Spokesman, 2000-2004
Smith, Jacqui	Home Secretary, 2007-2009
Smith, Kate	FCO, Head, Security Sector Unit, October 2003
Snelson, David	(Rear Admiral) Commander, UK Naval Contingent
Snow, John	US Treasury Secretary, February 2003-June 2006

Solana, Javier	Secretary General, Council of the European Union EU High Representative for Common Foreign and Security Policy
Soleymanpur, Hadi	Iranian Ambassador to Argentina
Soto, Fernando Berrocal	Costa Rican Permanent Representative to the UN
Speckhard, Dan	(Ambassador) Director, Iraq Reconstruction and Management Office
Spelman, Caroline	Opposition spokesperson for International Development, July 2001-November 2003
Spencer, Peter	(Vice Admiral, Sir) Chief of Defence Procurement, May 2003-March 2007 Inquiry witness
Squire, Peter	(Air Chief Marshal, Sir) Chief of the Air Staff April 2000-December 2003
Stagg, Dickie	FCO, Director, Public Diplomacy FCO, Director General, Corporate Services
Stephens, Jonathan	Treasury, Director, Public Services
Stewart, Andrew	(Brigadier) MOD, Director, Overseas Military Activity (Major General) General Officer Commanding Multi-National Division (South-East), December 2003-July 2004 Inquiry witness
Stewart, Rory	CPA Deputy Governorate Co-ordinator, Maysan province
Stirrup, Jock	(Air Marshal) Deputy Chief of the Defence Staff (Equipment Capability), April 2002-May 2003 (Air Chief Marshal, Sir) Chief of the Air Staff Chief of the Defence Staff, April 2006-October 2010 Inquiry witness
Storr, Peter	Home Office, Director, International
Strathclyde, Thomas	(Lord) Leader of the Opposition in the House of Lords, 1998-2010
Straw, Jack	Foreign Secretary, 2001-2006 Inquiry witness
Sturley, Philip	(Air Vice Marshal) Assistant Chief of the Air Staff, 2000-2003
Style, Charles	(Rear Admiral) Capability Manager (Strategic Development) (Vice Admiral) Deputy Chief of the Defence Staff (Commitments), January 2006-August 2007 Inquiry witness

Symons, Elizabeth	(Baroness Symons of Vernham Dean) Joint FCO/DTI Minister of State for International Trade and Investment, 2001-2003 FCO Minister for the Middle East, International Security and Consular and Personal Affairs, 2003-2005
Synnott, Hilary	(Sir) British High Commissioner to Pakistan Head, CPA(South), July 2003-January 2004 Inquiry witness
T	
Tafrov, Stefan	Bulgarian Permanent Representative to the UN, 2001-2006
Taft IV, William	State Department Legal Adviser, April 2001-March 2005
Talabani, Jalal	President of the Governing Council of Iraq, November 2003 President of Iraq, 2005-2014
Tanfield, Amanda	(Dr) FCO, Head of Iraq Section, Middle East Department
Tang, Jiaxuan	Chinese Foreign Minister, March 1998-March 2003
Tansley, James	British Consul General in Basra, September 2005-April 2006 Inquiry witness
Taylor, Ann	Chair, Intelligence and Security Committee, 2001-2005 (Baroness Taylor of Bolton) MOD Minister for Defence Equipment and Support, November 2007-October 2008
Taylor, Bill	Head, US Project Contracting Office
Taylor, Paul	Head, UK Trade and Industry, Middle East
Taylor, Paul	MOD, Director General, Equipment
Tebbit, Kevin	(Sir) MOD Permanent Under Secretary, July 1998-November 2005 Inquiry witness
Tenet, George	Director of Central Intelligence, July 1997-July 2004
Teuten, Richard	Head, Post Conflict Reconstruction Unit Visiting fellow, RUSI
Thatcher, Mark	Media Director, CPA
Thompson, Jon	MOD Permanent Under Secretary, September 2012-April 2016
Timms, Stephen	Chief Secretary to the Treasury, May 2006-June 2007
Tinline, Robert	Deputy British Consul General in Basra, February 2007-February 2008 Inquiry witness
Torlot, Tim	Deputy Head of Mission, British Embassy Baghdad

Torpy, Glenn	(Air Marshal) UK Air Contingent Commander, 2003-2004 Chief of Joint Operations, 2004-2006 (Air Chief Marshal, Sir) Chief of the Air Staff, 2006-2009 Inquiry witness
Touhig, Don	MOD, Parliamentary Under Secretary of State, May 2005-May 2006
Traore, Mamady	Guinean Permanent Representative to the UN and President of the Council
Tucknott, John	Deputy Head of Mission, British Embassy Baghdad, 2007-2009 Inquiry witness
Turk, Danilo	Slovenian Permanent Representative to the UN, 1992-2000
Turnbull, Andrew	(Sir) Cabinet Secretary, September 2002-September 2005 (Lord) Inquiry witness
Turner, Christian	(Dr) Deputy Director Middle East, North Africa and North America, Cabinet Office Overseas and Defence Secretariat, 2006-2007 FCO, Director, Middle East and North Africa, 2009-2012
Twigg, Derek	MOD Minister for Veterans
Tyler, Tim	(Major General) Deputy Commander, Iraq Survey Group, early January-late March 2004 Inquiry witness

U

Ullman, Harlan	Senior Advisor, Atlantic Council in Washington
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V

Vajpayee, Atal	Prime Minister of India, 1998-2004
Valdés, Juan Gabriel	Chilean Permanent Representative to the UN, 2000-2003
Valenzuela, Carlos	Head, UN Election Assistance Mission in Iraq
van der Stoep, Max	UN Special Rapporteur on Human Rights
van Walsum, Peter	Dutch Permanent Representative to the UN
Védrine, Hubert	French Foreign Minister, 1997-2002
Venables, Mike	Head, Defence Inquests Unit, September 2009-February 2012
Vieira de Mello, Sérgio	UN High Commissioner for Human Rights UN Secretary-General's Special Representative for Iraq

Viggers, Freddie	(Major General) Adjutant General to the Forces, 2005-2008 (Lieutenant General) Senior British Military Representative – Iraq and Deputy Commander CJTF-7, May 2003-September 2003 Inquiry witness
Volker, Kurt	US National Security Council
W	
Wahid, Karim	Iraqi Minister of Electricity
Wail, Shirman	Iraqi National Security Minister
Wa'ili, Mohammed	Governor of Basra
Walker, Andrew	Assistant Deputy Coroner for Oxfordshire, June 2006
Walker, Michael	(General Sir) Chief of the General Staff, April 2000-February 2003 Chief of the Defence Staff, May 2003-April 2006 (Lord Walker of Aldringham) Inquiry witness
Wall, Peter	Chief of Staff to the UK National Contingent Commander, January 2003 General Officer Commanding 1 (UK) Div, May 2003-January 2005 (Major General) Deputy Chief of Joint Operations, 2005-2007 (Lieutenant General) Deputy Chief of Defence Staff (Commitments), August 2007-July 2009 (General Sir) Commander in Chief Land Forces Inquiry witness
Wall, Stephen	(Sir) Adviser on European Issues to the Prime Minister and Head of the Cabinet Office European Secretariat, 2000-2004 Inquiry witness
Wallace, William	(Lieutenant General) Commander US V Corps
Walmsley, Robert	(Vice Admiral, Sir) Chief of Defence Procurement, 1996-2003
Wang, Guangya	Chinese Vice Foreign Minister
Wang, Yingfan	Chinese Permanent Representative to the UN
Wardell, Susan	DFID Director General Operations
Wareing, Michael	CEO, KPMG Inquiry witness
Warner, John	(Senator) Chair, Senate Armed Services Committee

Warren, David	Director, UK Trade and Industry, International Group FCO Director Human Resources
Watkins, Peter	Principal Private Secretary to the Defence Secretary, 2001-2004 MOD Director General Operational Policy, 2008-2011 Inquiry witness
Watson, Tom	MOD Parliamentary Under Secretary of State, May 2006-September 2006
Watt, Redmond	(General, Sir) Commander in Chief Land
Webb, Simon	MOD Director General Operational Policy, 1999-2001 Inquiry witness
Wechsberg, Anna	Mr Blair's Private Secretary for Foreign Affairs, 2000-2003
Wehbe, Mikhail	Syrian Permanent Representative to the UN, 1996-2003
Weller, Marc	(Professor) International Law and International Constitutional Studies, Cambridge University
Westmacott, Peter	FCO Deputy Under Secretary (Wider World), 2000-2001 British Ambassador to Turkey, 2002-2006
Weston, John	(Sir) UK Permanent Representative to the UN, 1995-1998
Wheeler, Fraser	Deputy British Consul General in Basra province
Wheldon, Juliet	Treasury Solicitor, 2000-2006
White, Stephen	(Deputy Chief Constable) Director of Law and Order and Senior Police Adviser to CPA(South), July 2003-January 2004 (Assistant Chief Constable) Inquiry witness
White-Spunner, Barney	(Major General) General Officer Commanding Multi- National Division (South-East), February 2008-August 2008 Inquiry witness
Whitley, Albert	(Brigadier) Senior British Land Adviser and Deputy Commanding General (Post Hostilities) (Major General) Inquiry witness
Wicks, Malcolm	DTI Minister for Energy, May 2005-November 2006
Wilkinson, Peter	(Vice Admiral) Deputy Chief of the Defence Staff (Personnel), 2007-2009 Inquiry witness
Wilks, Jon	Chargé d'Affaires, British Embassy Baghdad, 2009
Williams, David	MOD, Head, Capability, Resources and Scrutiny Directorate

Williams, Gareth	(Lord Williams of Mostyn) Attorney General, 1999-2001 Lord Privy Seal, June 2001-June 2003 Leader of the House of Lords, 2001-September 2003
Williams, John	Head, FCO News Department, 2000-2006 Inquiry witness
Williams, Martin	Assistant Private Secretary to the Defence Secretary
Williams, Michael	(Dr) Special Adviser to the Foreign Secretary, 2001-2005 (Lord Williams of Baglan) Inquiry witness
Williams, Rowan	(Dr) Archbishop of Canterbury, December 2002-December 2012
Williams, Shirley	(Baroness Williams of Crosby) Leader of the Liberal Democrats in the House of Lords, June 2001-November 2004
Wilmshurst, Elizabeth	FCO Deputy Legal Adviser, 2001-2003 Inquiry witness
Wilson, Brian	FCO Minister of State for the Middle East Mr Blair's Special Representative on Trade, August 2003
Wilson, David	(Major General) Senior British Military Adviser to CIC US Central Command, 2002-2007 Inquiry witness
Wilson, Richard	(Sir) Cabinet Secretary, January 1998-September 2002 (Lord Wilson of Dinton) Inquiry witness
Wilson, Robert	(Dr) FCO, Research Analyst
Wolfensohn, James	President of the World Bank, June 1995-June 2005
Wolfowitz, Paul	US Deputy Secretary of Defense, 2001-2005 President of the World Bank, 2005-2007
Wood, Michael	(Sir) FCO Legal Adviser, 1999-2006 Inquiry witness
Wood, Michael	(Rear Admiral) Director General Operations, MOD Defence Logistics Organisation
Wood, Sebastian	Counsellor for External Affairs, British Embassy Washington
Woodward, Bob	US author of <i>State of Denial</i>
Woolley, Trevor	MOD Director General Resources and Plans, 1999-2002 MOD Finance Director, 2003-2009 Inquiry witness
Wright, Stephen	FCO, Deputy Under Secretary, Defence and Intelligence, 2000-2002

Y

Young, Robin (Sir) DTI Permanent Secretary, June 2001-March 2005

Z

Zacklin, Ralph Assistant Secretary General for Legal Affairs at the UN, 1998-2005

Zawbaie, Salam Iraqi Deputy Prime Minister

Zayed (Sheikh) Emir of Qatar

Zebari, Hoshyar (Dr) Iraqi Foreign Minister

Zelikow, Philip Counsellor, US State Department

Zhang, Yishan Chinese Deputy Permanent Representative to the UN, 2002-2006

Zinni, Anthony (General) US Special Envoy for Middle East Peace, November 2001-March 2003

Zinser, Aguilar Mexican Permanent Representative to the UN, January 2002-November 2003

Zlauvinen, Gustavo International Atomic Energy Agency representative to the UN

Zoellick, Robert Member of the Administration of President Bush

ANNEX 4

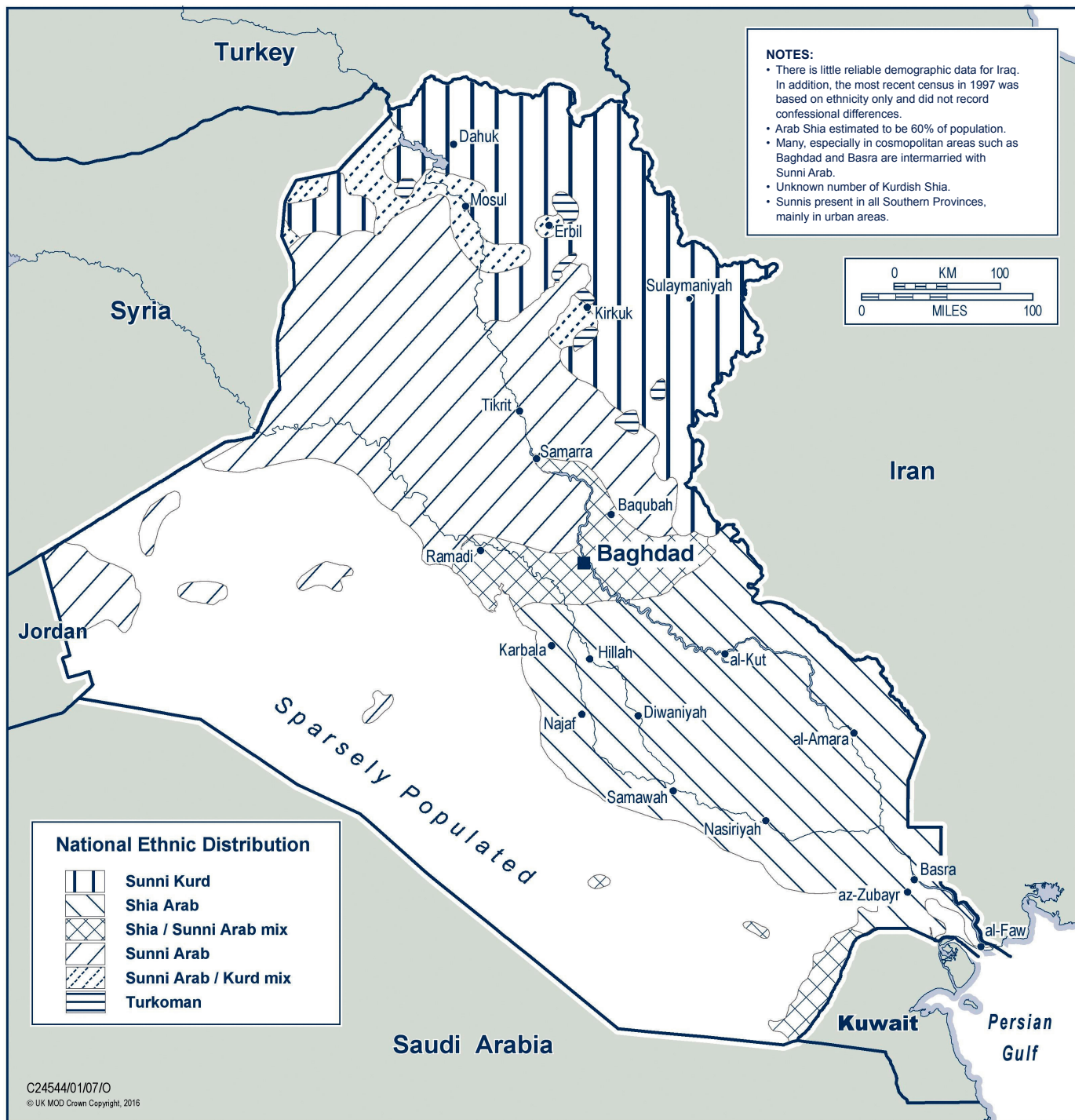
Maps

- Map 1. Iraq: Provinces, 2003
- Map 2. Iraq: Ethnic distribution
- Map 3. Iraq: Multi-National Division boundaries, June 2003 to May 2004
- Map 4. Baghdad
- Map 5. Iraq: Multi-National Division (South-East), June 2003 to May 2004
- Map 6. Basra

Map 1. Iraq: Provinces, 2003

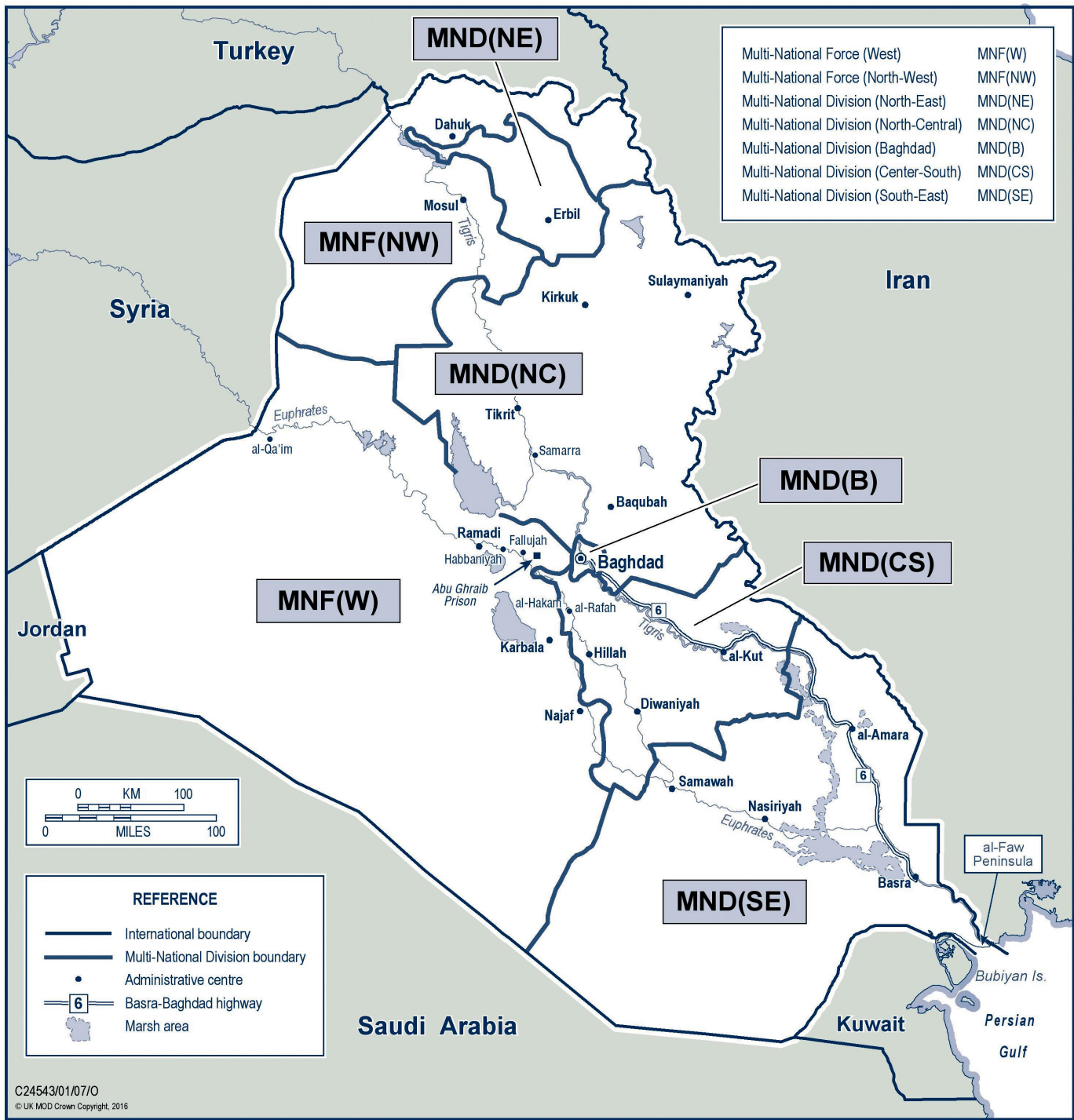


Map 2. Ethnic distribution



This map was produced from information used in the compilation of Iraq: Map Book, Defence Intelligence Staff, 17 March 2006.

Map 3. Iraq: Multi-National Division boundaries, June 2003 to May 2004



After the declared end of major combat operations, Iraq was divided into six divisional areas: Multi-National Division (North) (MND(N)), Multi-National Division (North-Central) (MND(NC)), Multi-National Division (Baghdad) (MND(B)), Multi-National Force (West) (MNF(W)), Multi-National Division (Center-South) (MND(CS)) and Multi-National Division (South-East) (MND(SE)).

In late 2004 MND(N) was divided into MND(NE) and MNF(NW).

In late 2005 MNF(NW) and MND(NC) were merged to create a new MND(N).

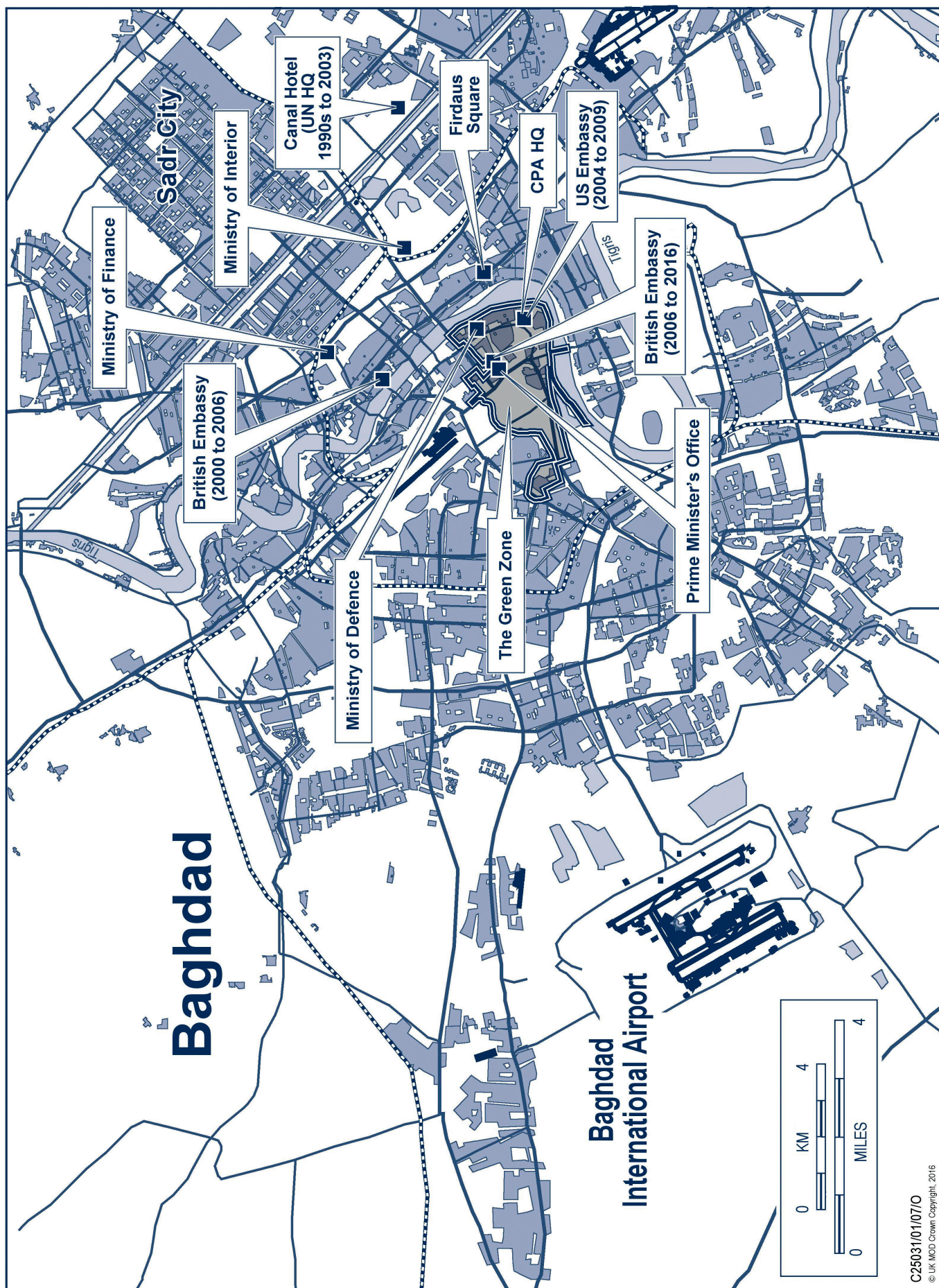
In early 2007 a new Multi-National Division (Center) was established relieving MND(B) of responsibility for security south of Baghdad.

In late 2008 MND(NE) was dissolved and became part of MND(N).

In early 2009 MND(CS) was dissolved and became part of MND(C).

The boundary of MND(SE) remained unchanged from 2003 to 2009 until the withdrawal of UK troops.

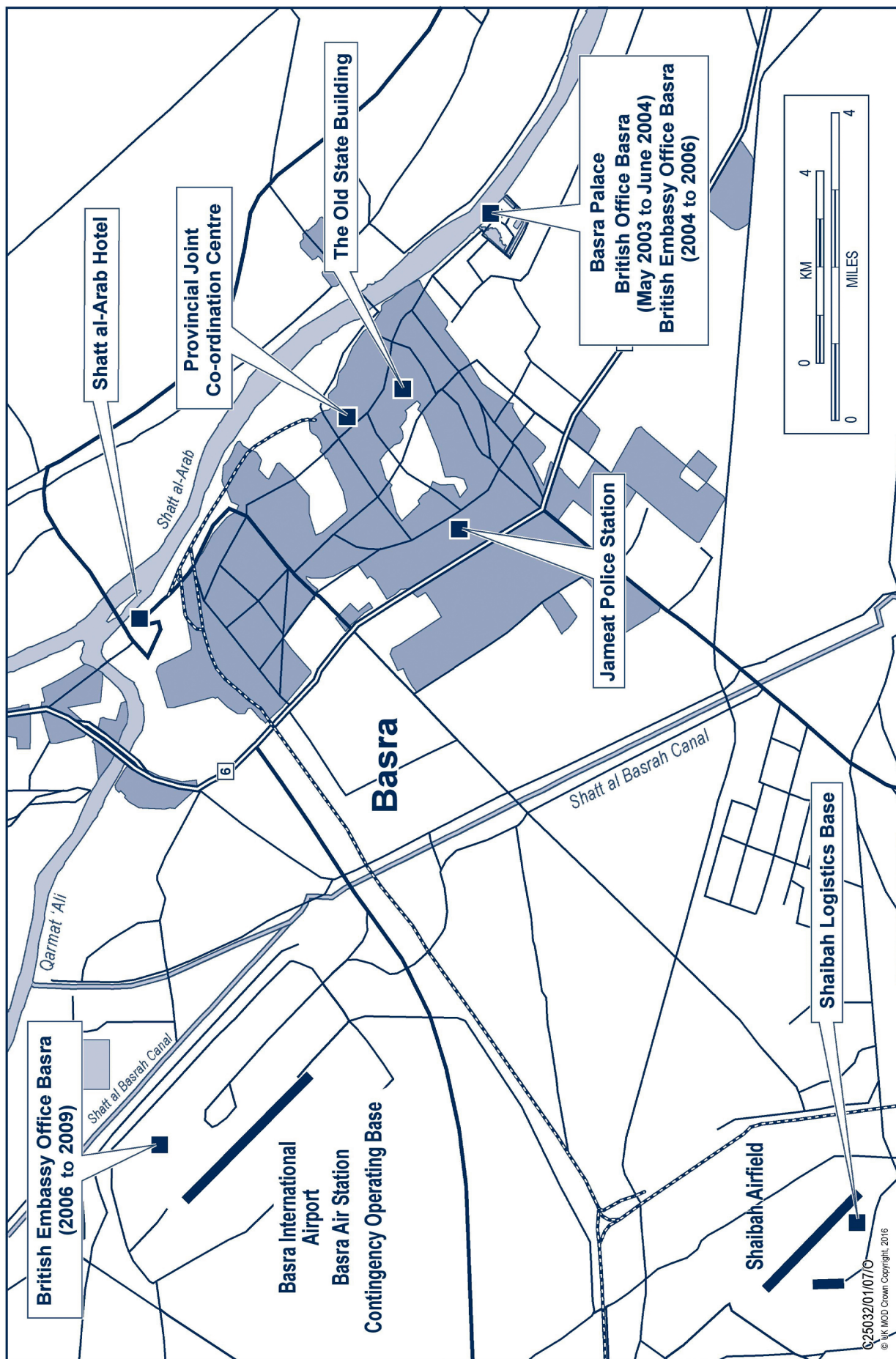
Map 4. Baghdad



Map 5. Iraq: Multi-National Division (South-East), June 2003 to May 2004



Map 6. Basra



ANNEX 5

HOW TO READ AND NAVIGATE THE REPORT

Structure of the Report

1. The Executive Summary contains the Inquiry's key findings and conclusions.
2. The 17 Sections of the Report contain accounts of the relevant decisions and events, the Inquiry's full analysis and conclusions, and, where appropriate, lessons for the future.
3. The Sections address separate themes arising from the sequence of events between 2001 and 2009. In each Section the Inquiry draws on the available evidence to provide an account of events, policy discussions and decision-making processes.
4. The Inquiry does not present all its conclusions in the same way. Different topics benefited from different approaches. In the Sections covering the period before the invasion, conclusions are placed alongside the main evidence in a single Section. In the majority of post-invasion material, the conclusions appear in separate analytical Sections.

Use of bold text

5. Bold text is used in the pre-invasion Sections of the Report to highlight Inquiry comment and analysis, and to signpost or summarise key events. Bold text is not used in post-invasion Sections. Throughout the Report, bold text is retained in quotes as it appeared in the original.

Cross-referencing

6. Cross-references to other Sections are used where an issue or event referred to in one Section is addressed in more detail elsewhere.

Duplication of text

7. Identical, or very similar, material can appear in two or more Sections where that aids comprehension or is necessary for an accurate description of events.

Use of evidence

8. The Report draws on material from a wide range of sources, including:
 - UK Government documents;
 - transcripts of the Inquiry's public and private hearings;
 - written submissions to the Inquiry;

- Parliamentary records;
- documents published by the US Government and international organisations;
- published memoirs and diaries;
- academic papers, including papers produced to inform the two seminars organised by the Inquiry;
- meetings in the UK with Service Personnel and their families, and with UK civilians who worked in Iraq; and
- views heard during visits to Iraq, the US and France by members of the Inquiry.

9. The Inquiry presents that material in the form of gists, which summarise the key points of a document or part of a document, and quotes. The source of each gist and quote is given in a footnote.

10. The Report quotes extensively from the full range of sources. To aid comprehension the Inquiry has sought to standardise spellings, abbreviations and acronyms and the representation of numbers, dates and times within quotes. All bold and italic text and underlining appearing within a quote has been retained from the original.

11. Where the meaning of a quote is uncertain or ambiguous, explanatory material has been added in square brackets.

12. US spellings are used for all US job titles and for US and international organisations using US spellings in their names, and are retained in all quotes from US sources.

Documents published by the Inquiry

13. Whole documents and extracts declassified by the Government, transcripts of the Inquiry's hearings and written submissions to the Inquiry are published on the Inquiry website, with redactions where necessary.

14. Where the Government has declassified a gist or quote from a document, but not the whole document or an extract from it, there is no further material available to the reader beyond the gist or quote in the Report.

15. In the online version of the Report, hyperlinks in the footnotes take the reader to documents published on the Inquiry website.

16. The footnotes in the printed version of the Report do not distinguish between those documents which have been published on the Inquiry website and those which have not.

17. The Report does not include links to other published sources.

18. The legibility of a small number of government documents published on the Inquiry website is poor. In each case, the Inquiry has published the clearest copy available.

Redacted evidence

19. The Government has required redactions to certain documents under the terms of the *Protocol between the Iraq Inquiry and Her Majesty's Government regarding Documents and Other Written and Electronic Information*. Those redactions appear in three forms:

- as thick black lines in the transcripts of oral evidence given in private;
- as blank white space in whole documents published by the Inquiry; and
- as an ellipsis (three dots) within quotations in the text.¹

20. Certain categories of information have been withheld from publication under the terms of the Protocols agreed between the Inquiry and the Government:

- views expressed by President Bush in conversations with Mr Blair;
- the reference numbers of JIC Assessments;
- the names of SIS officers (other than C), who are identified in the Report as SIS1 to SIS10;
- certain material on the activities of UK Special Forces and the names of successive Directors of Special Forces, who are identified in the Report as DSF1 to DSF3; and
- a small number of other identities and capabilities that require protection and are identified in the text by ciphers.

21. The Inquiry has received some evidence which it has agreed to publish anonymously in accordance with the criteria in paragraphs 4a and 4b of the *Protocol for hearing evidence by the Iraq Inquiry in public, and for identifying witnesses*.

Unusual document types

22. The Inquiry has published and makes reference to a wide range of written material. Less familiar categories of official document include:

FCO telegrams

23. Telegrams were electronically transmitted reports sent between the FCO in London and British Embassies, Missions and Consulates overseas. Very occasionally they were transmitted to or from other government departments and between overseas posts.

24. All telegrams from the FCO in London were attributed to the Foreign Secretary. The most important were seen by the Foreign Secretary in draft. All telegrams from posts were signed, and almost always seen in draft by, the Head or acting Head of Post.

25. All telegrams formed part of the FCO official record.

¹ Not all ellipses represent a redaction. Some represent text omitted by the Inquiry for reasons of relevance. All ellipses in square brackets represent redacted text.

26. Telegrams to and from individual posts were numbered sequentially through the calendar year, starting with “TELNO 1” on 1 January.

27. All telegrams included a date time group using Greenwich Mean Time (GMT). A telegram from the British Embassy Washington sent on “170356Z JULY 03” refers to a telegram sent at 3.56am GMT on 17 July 2003 (11.56pm on 16 July in Washington; 4.56am on 17 July in London).

28. A precedence marking signified the urgency of the telegram. “FLASH” indicated a telegram to be seen immediately by the recipient. A telegram marked “DESKBY 170600Z” was to be available to the recipient at 6.00am GMT. The other designations were “IMMEDIATE”, “PRIORITY” and “ROUTINE”.

29. The FCO phased out telegrams during 2005. They were replaced by eGrams.

FCO eGrams

30. The eGram, which replaced FCO telegrams during 2005, was used for significant communications and formed part of the FCO official record. It offered much of the flexibility of an email, including the ability to add attachments.

31. Unlike telegrams, each eGram was assigned a unique number in a single FCO-wide sequence starting at midnight GMT on 31 December. Paris eGram 127/06 to the FCO was not the 127th eGram from Paris, but the 127th eGram sent on the system in 2006.

FCO teleletters

32. Letters between named individuals sent electronically using the FCO telegram system. Phased out in 2005.

Valedictories

33. Reports from officials at the end of a tour of duty as the head of an overseas post.

Hauldown reports

34. Valedictories sent by UK military commanders at the end of a tour of duty in Iraq.

Private Secretary letters

35. Routine formal communication between government departments is often conducted by means of a letter from one Ministerial Private Secretary to another. Such letters should be interpreted as reflecting the views of the Minister, not of the signatory. The importance of an issue can often be inferred from the seniority of the Private Secretary. For instance, a letter from one Principal Private Secretary to another would usually hold more weight than a letter from one junior Minister’s Private Secretary to another.

Names and ranks

36. All names, honours, military ranks and job titles in the Report reflect the individual's position at the time of the event in question.

37. Where the Report quotes written or oral evidence from a witness to the Inquiry, the witness is identified according to their status at the time they gave evidence.

